

ACTS

33037

OF THE

One Hundred and Fourth Legislature

OF THE

STATE OF NEW JERSEY.

AND

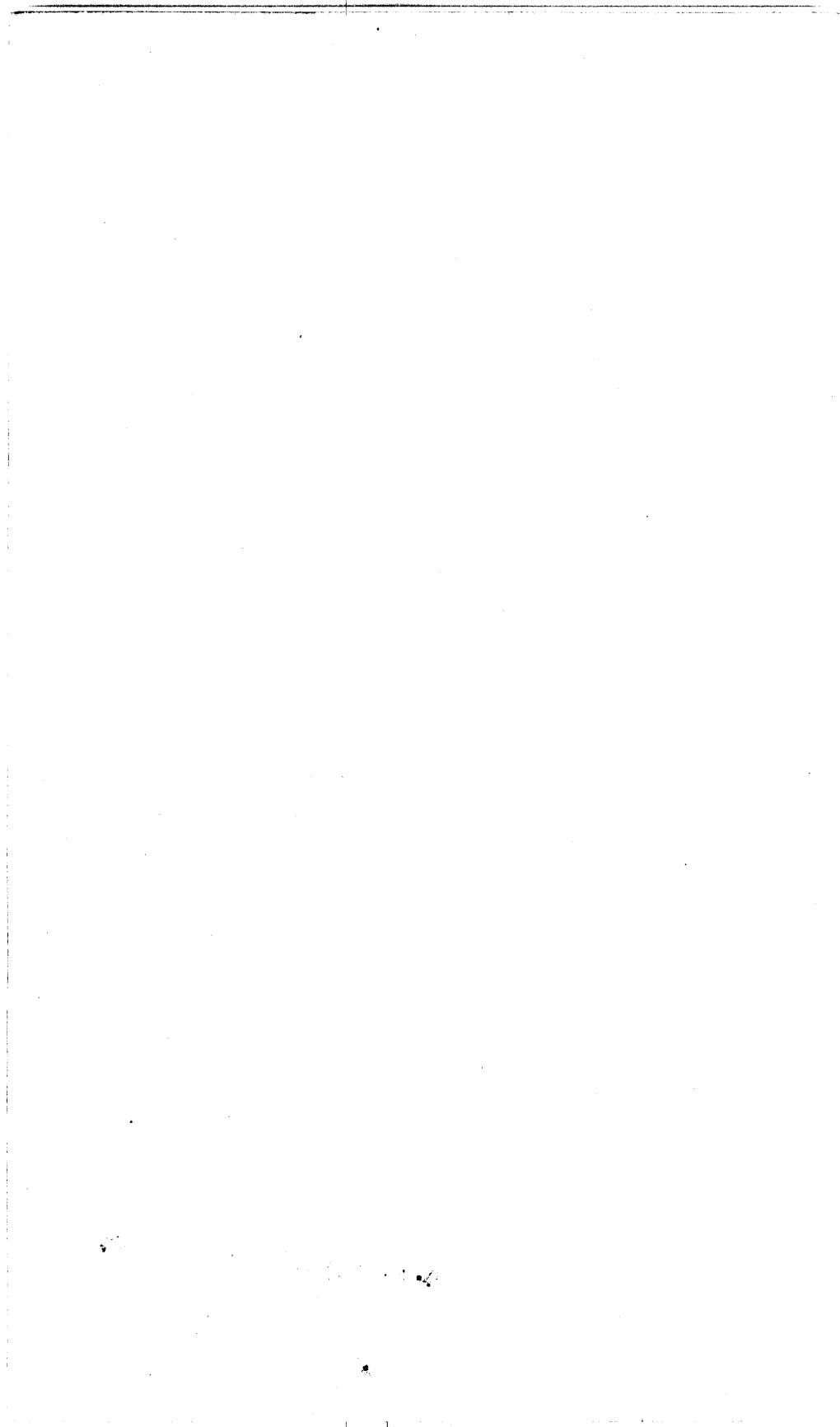
THIRTY-SIXTH UNDER THE NEW CONSTITUTION.



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HENRY C. KELSEY,
Secretary of State.

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OF THE
One Hundred and Fourth Legislature
OF NEW JERSEY.

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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

One Hundred and Fourth Legislature.

CHAPTER I.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any vacancy shall occur in the board of aldermen or common council of any incorporated city of this state by the death, resignation or disqualification of any incumbent, said vacancy shall be filled by the mayor of such city by the appointment of a suitable and discreet citizen of such city, who shall continue in said office until the next regular election. Vacancies in office of aldermen or common council how filled.
2. *And be it enacted*, That the provisions of this act shall not apply to any incorporated city in which the filling of vacancies in the board of aldermen or common council is already regulated by its charter. Act not to apply to cities where filling of vacancies is regulated by its charter.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

GEORGE B. McCLELLAN,
Governor.

WILLIAM J. SEWELL,
President of the Senate.

SHERMAN B. OVIATT,
Speaker of the House of Assembly.

CHAPTER II.

A Further Supplement to the act entitled "An act constituting courts for the trial of small causes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and thirty-five of the act to which this is a further supplement, which reads as follows, to wit :

Section to be
amended recited.

"135. *And be it enacted*, That the constables of the several counties of this state shall be entitled to receive from the county collector of the said county, their lawful fees for serving any criminal warrant, together with all and any expenses by them incurred in conveying any offender to the county jail for commitment to the custody of the sheriff, whether any such offender shall be indicted or not, for the offense for which such offender may have been so committed," be amended to read as follows :

Section as
amended.

135. *And be it enacted*, That the constables of the several counties of this state shall be entitled to receive from

the collector of said county, their lawful fees for serving any criminal warrant, together with any proper and reasonable expenses by them incurred in conveying any offender to the county jail for commitment to the custody of the sheriff, whether such offender shall be indicted or not, for the offense for which such offender may have been committed; *provided*, that the bill of expenses so incurred shall be itemized and shall be certified by the prosecutor of the pleas of said county to be proper and reasonable.

Fees and expenses of constables to be paid by collector of county.

Proviso.

Approved February 5, 1880.

CHAPTER III.

An Act relating to the distribution of law and equity reports and other publications.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all publications, or republications, of the law and equity reports of this state, and all revisions or digests of laws or reports made or published since January first, one thousand eight hundred and seventy-seven, and hereafter to be made or published, shall be distributed to the president law judges of the common pleas in all counties having such judges, in the same manner as they now are and have been distributed to the justices of the supreme court.

Law and equity reports &c. to be distributed to the law judges of common pleas.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

CHAPTER IV.

Supplement to an act entitled "An act respecting appeals from justices' courts," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, which section reads as follows:

Section to be
amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all appeals from justices' courts to the court of common pleas of any county in this state, shall be put on the list for trial at the first term to which the same shall be appealed, unless the appeal shall have been taken within five days prior to the beginning of such term, and then at the next term thereafter," be and the same is hereby amended, so as to read as follows:

Section as
amended.

Appeals from
justices court to
be put on list.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all appeals from justices' courts to the court of common pleas of any county in this state shall be put on the list for trial at the first term to which the same shall be appealed; *provided, however*, that if said appeal is taken within the five days prior to the beginning of such term, and if the papers are not filed with the clerk of said court three days prior to the beginning of such term, then, and in that case, said appeal to be put on the list for trial at the next term thereafter.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

CHAPTER VI.

A Further Supplement to the act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March the twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-nine of the act hereby amended, which section is in the words following, to wit :

"29. *And be it enacted*, That if any person not resident within this state shall depart, or shall have heretofore departed this life, possessed of personal property or choses in action within, or the evidence of which shall be in the hands of any person resident within this state, and the executors or administrators of such decedent shall neglect, or shall have neglected for the space of sixty days after his death, to make application in this state for letters testamentary or of administration upon or in respect to such decedent's estate, any person alleging himself or herself to have any debt or legal claim against such decedent, which, by the laws of this state, survives against the personal representatives of parties deceased, may make application to the surrogate of the county wherein said personalty, choses in action, or evidences thereof are situate; and on proof to his satisfaction of the matters herein stated, said surrogate shall issue letters of administration upon the estate of such decedent to some other person to be selected by him, either *cum testamento annexo* or otherwise, as the circumstances of the case may require, taking bond for the faithful performance of the duties of such administrator,

Section to be
amended recited.

as in other cases required by law," be amended so as to read as follows :

Section as amended.

On failure of executors or administrators to apply, claimants may make application for letters, &c.

Surrogate to issue letters of administration and take bond for performance of same.

29. *And be it enacted*, That if any person not resident within this state shall depart, or shall have heretofore departed this life, possessed of personal property or choses in action within, or the evidence of which shall be in the hands of any resident of this state, or if such decedent died, or shall die, seized of any real estate, or any interest therein, within this state, and the executors or administrators of such decedent shall neglect, or shall have neglected for the space of sixty days after the death of such decedent, to make application in this state for letters testamentary or of administration upon or in respect to such decedent's estate, any person alleging himself or herself to have any debt or legal claim against such decedent, which by the laws of this state, survives against the personal representatives of parties deceased, may make application to the surrogate of the county in which such real estate or interest therein, choses in action or evidences thereof, or personal estate are situate, and on proof to his satisfaction of the matters herein stated, and upon such notice to the executors or administrators of the decedent as the surrogate may prescribe, said surrogate shall issue letters of administration upon the estate of such decedent to some person to be selected by him, either *cum testamento annexo*, or otherwise, as the circumstances of the case may require, taking bond for the faithful performance of the duties of such administrator, as in other cases required by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1880.

CHAPTER VII.

A Supplement to an act entitled "An act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor of this state shall be entitled to receive an annual salary at the rate of ten thousand dollars, and the chief justice of the supreme court of this state shall be entitled to receive an annual salary at the rate of seven thousand and five hundred dollars, and each of the associate justices of the supreme court of this state shall be entitled to receive an annual salary at the rate of seven thousand dollars; and said salaries of said chancellor and said chief justice and associate justices shall be in full for all services by them respectively rendered in discharge of their duties as chancellor and justices of the supreme court and as judges of the court of errors and appeals, and in full for all services rendered or performed by said chief justice and said associate justices respectively as judges of the circuit courts, courts of common pleas, courts of oyer and terminer and general jail delivery, courts of general quarter sessions of the peace, courts of special quarter sessions, and orphans' courts; and all the salaries in this section fixed and provided shall be paid quarterly by the treasurer of this state upon the warrant of the comptroller of the treasury.

Annual salaries
of chancellor,
chief justice and
associate justices.

How paid.

2. *And be it enacted*, That when the population of any judicial circuit or district in this state exceeds eighty thousand, according to the latest state or federal census taken or to be taken, the annual salary of the justice to whom such circuit or district may be assigned shall be increased beyond the salary allowed to him under the

Salary how in-
creased.

Additional
salary how ap-
portioned and by
whom and how
paid.

foregoing section by as many dollars as will equal two per centum of such excess of population over eighty thousand; and said additional salary or compensation required by the provisions of this section to be paid to the justice assigned to any such judicial circuit or district shall be apportioned to him, according to said per centum of said excess of population, as aforesaid, by the comptroller of the treasury, state treasurer and attorney general of this state, under their hands, which apportionment shall be filed in the office of said comptroller; and the amount so apportioned shall be paid to said justice by said state treasurer, on the warrant of said comptroller, quarterly.

Clerks, &c., to tax
costs and collect
fees and pay
same to treasurer
of state.

3. *And be it enacted*, That it shall be the duty of the clerk of the supreme court, and of the county clerks of the several counties in this state, and of the clerk in chancery, and of the secretary of state of this state, to charge and include in the taxed bill of costs in every action or case, in each and all of the courts of this state, of which they are the clerk, respectively, and to collect from the attorneys therein, or from the other persons liable therefor, all costs or fees taxable in regard to or for the services of said chancellor, chief justice and associate justices, respectively, under the laws now or hereafter in force respecting and fixing such costs or fees, and to pay the same quarterly out of the first money received or collected by them on each and every taxed bill of costs, or in each and every such action or case to the treasurer of this state, for the use of the state.

Chancellor and
justices not en-
titled to receive
any fees per diem
or additional
compensation.

4. *And be it enacted*, That the said chancellor, chief justice and associate justices shall not be entitled to receive any compensation, per diem, mileage, fees, pay or allowances whatsoever, for any services performed by them in, or in connection with any of the courts of this state, or in their several official capacities, in addition to the salary or compensation in and by this act fixed and provided.

Act to whom to
apply.

5. *And be it enacted*, That this act shall only apply to the chancellor, chief justice and associate justices of the supreme court whose term of office shall hereafter commence, or to those now in office whose term of office does not expire during the present year, who may file their

assent in writing, under their hands, to the provisions of this act, in the office of the secretary of state.

6. *And be it enacted*, That so much of the act entitled ^{Repealer.} "An act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine, and to which this is a supplement, as relates to the annual salary of the chancellor, and so much thereof as relates to the annual salary of the chief justice and the associate justices of the supreme court, being sections one, three, four and six of said act, and all acts or parts of acts inconsistent with the provisions of this act is and are hereby repealed, and that this act shall be a public act and take effect immediately.

Approved February 9, 1880.

CHAPTER VIII.

An Act to confirm certain conveyances of sheriffs and other officers.

1. BE IT ENACTED *by the Senate and General Assembly* ^{Certain conveyances not deemed invalid or inoperative.} *of the State of New Jersey*, That no conveyances heretofore made in this state by any sheriff or other officer or auditors in attachment, prior to the first day of January, one thousand eight hundred and sixty-five, shall be deemed invalid and inoperative by reason of the omission or neglect of said sheriff or other officer to comply with the requirements of the first section of an act entitled "An act for the better securing of titles to land sold by sheriffs or other officers," approved March twenty-fifth, one thousand eight hundred and sixty-four, but the same are hereby made as valid and effectual as ^{Made valid.} if the requirements of said section had been complied with.

2. *And be it enacted*, That the record of any such conveyance shall be as valid and effectual to all intents and purposes, and shall operate, and be construed to have ^{The record to be valid and construed as a notice, &c.}

operated, as notice to all persons, in the same manner as though said conveyance had been made in conformity with the requirements of said section of said act.

The record or
copy thereof
may be given in
evidence.

3. *And be it enacted*, That the said record of any such conveyance as provided in the next preceding section, or a certified copy thereof, may be used and given in evidence in the same manner as if the requirements of said section of said act had been complied with.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 9, 1880.

CHAPTER IX.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six, and of the supplements thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of the act to which this is a supplement, which reads as follows:

Section to be
amended recited.

"11. *And be it enacted*, That it shall be unlawful for any person or persons to catch oysters from any of the natural beds in Delaware bay north of a line bearing southwest from the mouth of Sow and Pigs creek, in the county of Cumberland, from the last day of June in each year to the first day of April in the succeeding year, and no oysters shall be caught south of said line for the purpose of planting at any season of the year; and any person or persons so offending shall, for every such offence, forfeit and pay a fine of one hundred dollars, and the boat or vessel so violating shall be liable to seizure by the special officer provided for in an act to which this act is a supple-

ment, and such boat or vessel shall be liable for the payment of such fines and forfeitures, and the moneys arising therefrom shall be paid to the collector of the oyster fund provided for in an act to which this act is a supplement; the said line and bearing as herein stated shall be marked out by the said special officer by monuments upon the shore, or in such manner as the said board of direction may order," be amended so as to read as follows:

11. *And be it enacted*, That it shall be unlawful for any person or persons to catch oysters from any of the natural beds in Delaware bay north of a line bearing southwest from the mouth of Sow and Pigs creek, in the county of Cumberland, from the last day of June in each year to the first day of April in the succeeding year, and no oysters shall be caught south of said line for the purpose of planting at any season of the year; and any person offending against either of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall, for every such offence, be punished by a fine of one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court; and any canoe, flat, scow, boat or other vessel used and employed in the commission of any offence against this section, with all the clams, oysters, clam rakes, tongs, dredges, tackle, furniture and apparel, shall be forfeited, and the same seized, secured and disposed of in the manner prescribed in the ninth and tenth sections of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and in section eight of the act to which this act is a further supplement; *provided*, that said procedure shall be before a single justice of the peace of the county where such seizure is made; the said line and bearing as herein stated shall be marked out by the said special officer by monuments upon the shore, or in such manner as the said board of direction may order.

Section as amended.

When unlawful to catch oysters.

Penalty for violation of this act.

Proviso.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved February 10, 1880.

CHAPTER X.

A Supplement to the act entitled "An act regulating proceedings in criminal cases" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

County collectors
to pay expenses
of printing testi-
mony on writ of
error in cases of
persons convicted
of murder in the
first degree who
are unable to de-
fray the expense
thereof on certifi-
cate of justice, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person convicted of murder in the first degree shall make application to the justice who presided at the trial, or, in his absence, to the presiding justice of the court of common pleas of the county in which such trial was had, showing to such justice that he or she is about to apply for a writ of error, and is unable, by reason of poverty, to provide the means necessary to defray the expenses of printing the testimony for presentation; upon the application for such writ it shall be the duty of such justice, being satisfied of the facts stated and of the sufficiency thereof, to certify the same to the county collector of the county in which such trial and conviction were had, who shall thereupon pay the necessary expenses, as aforesaid, of the person convicted, the amount having first been approved by the justice who granted the application.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

CHAPTER XII.

A Further Supplement to an act entitled "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any banking corporation having capital stock divided into shares, and created under the laws of this state by special act of incorporation or otherwise, the capital of which has become impaired, shall have power to reduce the par value of each share of its stock to such an amount as shall be agreed on by the consent of stockholders representing two-thirds of its capital stock, and shall also have power, by like consent, to determine to issue so many additional shares of its capital stock at the par value so fixed as by a like consent shall be agreed to, not exceeding in the whole, with the shares of stock previously issued and outstanding, at the par value so fixed, the amount of capital limited by its act of incorporation or certificate of organization; and upon filing in the office of the secretary of state a certificate in writing, signed by stockholders representing two-thirds of its capital stock, setting forth the number of shares of stock previously issued and outstanding, the reduced par value fixed and agreed on, and the number of additional shares of stock agreed on and determined to be issued, then and from thenceforth the par value of such stock shall be taken and considered to be the amount so fixed and certified, and the additional shares so determined to be issued may be issued in the following manner, viz: the directors, managers, trustees, or other governing body of such corporation, shall give not less than ten days' notice, by advertisement in one or more newspapers of the state and by

Banking corporations whose stock have been impaired may reduce par value of shares and to issue additional shares of stock.

Certificate to be filed.

Additional shares how issued.

circulars sent by mail to the stockholders whose post office address is known, of a time and place when they will open books of subscription for such additional shares of stock, and at such time and place shall receive subscriptions therefor; the previously existing stockholders of such corporation shall each be entitled at such time and place to subscribe for and take such proportion of such additional stock as their shares bear to the total number of previously existing shares, and if any additional stock is not so taken by stockholders within ten days after the books for that purpose are opened, it may be subscribed for and taken by any person or persons.

When stock is
subscribed and
paid for, certifi-
cate to be filed.

2. *And be it enacted*, That when said stock is so subscribed, taken and paid for, the directors shall cause a certificate thereof to be filed in the office of the secretary of state, and thereupon the persons so subscribing, taking and paying for said additional stock shall become stockholders to the amount and proportion of stock so taken by them.

3. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

CHAPTER XIII.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirteen of said act, and which reads as follows:

Section to be
amended recited.

"13. That every subpoena or process for appearance shall be served on the person to whom it is directed, or a copy thereof left at his dwelling house, or usual place of abode, at least ten days prior to its return," be amended so as to read as follows:

13. That every subpoena or process for appearance shall be served by the same officers now authorized to serve writs of summons and other common law processes on the person to whom it is directed, or a copy thereof left at his dwelling house, or usual place of abode by one of said officers, at least ten days prior to its return.

Section as amended.
Subpoenas, &c.
how served and
by whom.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

CHAPTER XIV.

A Further Supplement to an act entitled "An act to encourage the improvement of real property in this state" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all corporations organized now or hereafter under the act to which this is a further supplement, may, at any meeting of the stockholders called for that purpose, increase the capital stock and the number of shares therein, until it shall reach the amount named in the original certificate, and in case more capital is necessary, an additional certificate shall be filed, under the hands and seals of two-thirds in interest of the stockholders, or their legal representatives, stating the amount of such additional capital required, which shall be proved or acknowledged and recorded in the manner heretofore provided for in this act; *provided*, that for all stock issued under such supplemental certificates, such corporation, its directors and stockholders, shall be entitled to all the benefits, and subject to all the liabilities contained in said act.

Corporations may increase capital stock and number of shares to original amount, and issue additional stock, and file certificate of same.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

CHAPTER XV.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April ninth, one thousand eight hundred and seventy-five.

Resolution of intention to become legal corporation to be made by clerical and lay deputies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any diocese has been or shall be created in this state, under and by virtue of the authority of the general convention of the Protestant Episcopal Church in the United States of America, and shall desire to become a legal corporation in this state, it shall be lawful for the convention of said diocese, at any regular meeting thereof, in which a majority of the parishes belonging thereto are represented by both clerical and lay deputies, to declare by resolution their desire and intention to become such legal corporation; and upon their filing in the office of the secretary of state of this state, a copy of said resolution together with a certificate stating the name of said diocese, with the name of its president, secretary and its standing committee, which shall consist of not less than four clerical and four lay members, duly signed by said president and secretary in the presence of the chancellor, or of a justice of the supreme court of this state, the said convention shall thereupon become a body corporate, by the name or title expressed in such certificate.

Certificate to be filed with secretary of state.

Estate and property of diocese to be vested in and managed by said corporation.

2. *And be it enacted*, That all the estate and property now or hereafter belonging to or held by such diocese, shall be vested in and be managed by the said corporation, which shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of an act approved April seventh, one thousand eight hundred and seventy-five, entitled "An act concerning corporations;" and shall also be capable of taking and holding by gift, grant, devise, bequest or

May hold property by gift, grant, devise, &c.

otherwise, any property in trust for religious, ecclesiastical, charitable or educational objects, appertaining to, or under the control of said convention or other ecclesiastical authority of the Protestant Episcopal Church in said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church.

3. *And be it enacted*, That the said corporation shall have power to appoint or elect, in such manner as they may determine, discreet persons as trustees, not less than five in number, who shall be members of the Protestant Episcopal Church, and citizens of this state, residing within the limits of said diocese; and upon the filing in the office of the secretary of state of a certificate, under the hand and seal of the president and secretary of said convention, stating the corporate name selected for said trustees, and also the names of said trustees, they, the said trustees, shall become a body corporate, under the name and title so certified, and shall have perpetual succession, and exercise and be clothed with the powers and privileges enumerated in the first section of the act aforesaid, entitled "An act concerning corporations."

4. *And be it enacted*, That the said trustees when incorporated, shall have the management and care of any fund already existing, or which may hereafter be contributed, acquired or received, and any accumulations thereof, for the support of the episcopate of said diocese, and the appropriation of the income of said fund for that purpose, according to the direction to be from time to time given by said convention of said diocese; they shall also be capable of taking and holding by gift, grant, devise, bequest, or otherwise, any property, funds or securities of any kind in trust for religious, ecclesiastical, charitable or educational purposes, appertaining to, or under the control of the convention or other ecclesiastical authority of said diocese, and of executing the same; *provided*, that the same shall not be inconsistent with the constitution, canons or laws of said church.

5. *And be it enacted*, That said trustees shall present to each regular diocesan convention a statement of their proceedings, exhibiting the condition of the fund, together with an account of their receipts and disburse-

ments; they may provide by-laws for the removal of a trustee for good cause, and on such removal, may declare the place vacant, and fill the same until the next regular meeting of said convention, which body shall permanently fill all vacancies existing in said trustees.

Division of bonds
and security
of property how
made.

6. *And be it enacted*, That whenever any diocese which has heretofore existed, or which now exists, or which may hereafter exist within the state of New Jersey, in connection with the Protestant Episcopal Church in the United States of America, has been or shall be divided into two or more dioceses, it shall be lawful for the body of trustees holding in trust, or having control of the fund for the support of the bishop or said original or dividing diocese, to make such division of all bonds, mortgages, securities or property as may be or may have been agreed upon by the said original and said new diocese, whether after or in prospect of such division, and to assign, transfer and set over the same to such trustees as may be appointed for said new diocese, to hold to them and their successors for the trusts upon them imposed; and in case of such division so effected, all trusts in relation to the securities thereby conveyed, incumbent upon the former trustees, shall, *ipso facto*, cease and be discharged.

7. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

CHAPTER XVI.

An act to provide for the increase in the number of directors in certain corporations of this state.

Corporations
may increase
number of direc-
tors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporations of this state incorporated under any general or special act, engaged in the business of manufacturing silk, cotton, jute and other fibrous material and the sev-

eral branches of manufacture incident thereto, whose board of directors is now limited to seven persons, to increase said board to nine persons, if the said company shall desire so to do; *provided; however,* that the provisions of this act shall not apply to any such incorporation until it shall be so decided by a vote of the directors of any such company desiring an increase, passed at a regular meeting, and the written consent of at least two-thirds in value of all the stock outstanding against such corporation, and a certificate thereof, duly signed and properly attested, and filed in the office of the secretary of state. Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved February 10, 1880.

CHAPTER XIX.

An Act to provide for the filing of a *lis pendens* in actions either at law or in equity, relating to or affecting the possession or title of lands or real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That neither the issuing of a summons or subpoena, or other process or writ, nor the filing of a declaration or bill in any suit relating to or affecting the possession of or title to lands or real estate, nor any proceedings had or to be had thereon, either at law or in equity, before a final judgment or decree, shall be deemed or taken to be constructive notice to any *bona fide* purchaser or mortgagee of any lands or real estate to be affected thereby, until the plaintiff or complainant in such action, or his attorney or solicitor, shall have first filed, in the office of the clerk of the court of common pleas, but in counties where there is a register of deeds and mortgages, in the office of the register of deeds and mortgages of the county in which such lands or real

No summons, subpoenas or process affecting the possession or title to lands to be deemed a constructive notice until notice of pendency of suit is filed.

- estate lie, a written notice of the pendency of such suit, setting forth the title of the cause and the general object thereof, together with a description of the lands or real estate to be effected thereby; *provided*, that nothing in this act contained, shall be construed or taken to apply to any bill filed or to be filed for the satisfaction or foreclosure of any duly registered or recorded mortgage.
- Proviso.** 2. *And be it enacted*, That it shall be the duty of the clerk or register with whom any such notice shall be filed, forthwith to record the same, together with the time of the filing thereof, in a proper book to be by him provided and kept in his office for that purpose; which book shall be properly indexed by the said clerk or register, and be a public record to which all persons desirous of examining the same shall have access.
- Clerk or register to record notice.** 3. *And be it enacted*, That the following and no other fees shall be allowed for the services required by the last two preceding sections of this act, viz: to the county clerk or register, for filing and recording each notice, ten cents per folio; which fees shall be included with the other costs in the cause, and taxed therewith by the clerk of the court in which such action shall be brought.
- Fees of clerk or register.** 4. *And be it enacted*, That whenever a final decree or judgment shall be made in favor of the defendant or defendants, in any cause relating to or affecting the possession of or title to any lands or real estate, notice of the pendency of which has been filed in the office of any county clerk or clerks, or register or registers, it shall be the duty of the said clerk or clerks, or register or registers, to enter upon the margin of the record of such notice a statement of the substance of such decree or judgment, upon a copy thereof, certified under seal of the court in which such decree or judgment shall have been obtained, being filed in his office, and thereafter the lands and real estate mentioned in the said notice shall be and remain discharged of all equities or claims set up in the bill of complaint or declaration in said suit, notwithstanding the said suit be thereafter revived.
- Clerk or register to enter upon margin of record of notice a statement of substance of any decree and judgment affecting the possession or title of lands.** 5. *And be it enacted*, That in all suits for the enforcement of any claim for the payment of money upon any lands and real estate, except for the foreclosure of a mortgage, and notice of the pendency of which shall be filed
- Lands and real estate to be discharged of all equities or claims.**
- Order discharging lands or real estate of any claim when notice has been filed may be made, upon the defendant, &c.,**

in the office of any county clerk or clerks, register or registers, it shall be lawful for the chancellor or any justice of the supreme court of this state, and they are hereby empowered, to make an order discharging the said lands and real estate from such claim, upon the defendant or defendants giving sufficient and satisfactory security, in such sum and manner as such chancellor or justice may direct, for the payment of such sum or sums of money as may, by the final determination of the said cause, be ascertained to be chargeable upon the said lands and real estate; and upon filing a copy of the said order, certified under the seal of the court out of which such order may issue, with the said county clerk or clerks, register or registers, he or they shall make entry of said discharge, by reason of said order, on the margin of the record of said notice, and the lands and real estate shall be thereafter discharged from any claim which may be made in the said suit, except such as may be covered by the security given for the payment of such claim.

giving security
for payment of
money.

Clerks or registers
to enter on
margin, entry of
discharge.

Real estate to be
discharged of all
claims, &c.

6. *And be it enacted*, That the county clerk or register shall be entitled to receive the sum of fifty cents for each service required in the last two preceding sections.

Fee of clerk or
register.

7. *And be it enacted*, That this act shall take effect on the fourth day of July next.

When to take
effect.

Approved February 16, 1880.

CHAPTER XX.

A supplement to an act entitled "An act to regulate the practice of dentistry, and to protect the people against empiricism in relation thereto in the state of New Jersey," approved March fourteenth, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to

which this is a supplement, which section reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be unlawful for any person to engage in the practice of dentistry in the state of New Jersey, unless said person has graduated and received a diploma from the faculty of a dental college, chartered under the authority of some one of the United States or foreign governments, or shall have obtained a certificate from a board of dentists, duly authorized and appointed by this act to issue such certificates," be amended to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be unlawful for any person to engage in the practice of dentistry in the state of New Jersey, unless said person has pursued a regular course of instruction for at least one year in a reputable dental college, chartered under the authority of some one of the United States or foreign governments, and has graduated and received a diploma from such college, or unless the said person shall have obtained a certificate from a board of dentists duly authorized and appointed by this act to issue such certificates, and shall have registered his name and the name of the said dental college, or board of dentists, in the county clerk's office of the county in which he shall have engaged in the practice of dentistry, within one month after commencing such practice, in a book to be provided and kept for that purpose, in the several county clerk's offices of the several counties of this state, and for which registry the said county clerk shall be entitled to demand and receive from each person registering the sum of fifty cents, and any person violating any of the provisions of this act shall be liable to the penalties prescribed in the sixth section of the act to which this is a supplement.

The practice of dentistry when unlawful.

Name to be registered in county clerk's office.

Fee of clerk for registering and penalty for violating provisions of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1880.

CHAPTER XXI.

Supplement to an act entitled "An act respecting bridges"
(Revision), approved April tenth, one thousand eight
hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Physicians ex-}
the State of New Jersey, That all licensed physicians, while ^{empt from penal-}
visiting patients, shall be exempt from all or any of the ^{ties, &c.}
penalties for driving faster than a walk on any toll or
other bridge; *provided, however,* that nothing herein con- ^{Proviso.}
tained shall be construed to exempt a physician from
liability for damage to a toll or other bridge, or to other
persons, by reckless or negligent driving.

2. *And be it enacted,* That all acts or parts of acts incon- ^{Repealer.}
sistent herewith be and the same are hereby repealed and
that this shall take effect immediately.

Approved February 17, 1880.

CHAPTER XXII.

Supplement to an act entitled "An act for the punish-
ment of crimes" (Revision), approved March twenty-
seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of*
the State of New Jersey, That section twenty-five of the act
to which this is a supplement; which section reads as
follows:

"25. *And be it enacted,* That if any candidate for office ^{Section to be}
in any election, as hereinafter mentioned under the laws ^{amended recited.}

of this state, or any other person shall directly or indirectly offer, promise, procure, confer or give any money, property, thing in action, victuals, drink, preferment, or other consideration or valuable thing by way of fee, reward, gift or gratuity for giving or refusing to give any vote in any election of any public officer, state, county or municipal whatever, or of any member of the Congress of the United States, or of electors for President and Vice President of the United States, such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment six months; *and further*, such person shall, on such conviction, and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election; *and further*, if any person shall directly or indirectly ask for, accept, receive or take any such bribe, or the promise thereof, by giving or refusing to give his vote in any such election, he shall be deemed guilty of a misdemeanor, and punished with the like penalties as hereinbefore provided," be and the same is hereby amended so as to read as follows:

Candidates for
any office offering
directly or in-
directly any
money, &c. to be
deemed guilty of
a misdemeanor.

Penalty, &c.

25. *And be it enacted*, That if any candidate for office in any election hereinafter mentioned under the laws of this state, or any other person shall directly or indirectly offer, promise, procure, confer or give any money, property, thing in action, preferment, or other consideration or valuable thing, or shall furnish or supply any money, note, check, draft, credit or property to be used by way of fee, reward, gift or gratuity for giving or refusing to give any vote in any election of any public officer, state, county or municipal whatever, or of any member of the Congress of the United States, or of electors for President and Vice President of the United States, such person either offering or receiving the same shall be deemed and taken to be guilty of a misdemeanor, and on conviction therefor be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment one year at hard labor; *and further*, such

person shall, on such conviction, and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election; *and further*, if any person shall mark, in any way for the purpose of corruptly identifying any ticket, that shall be afterward voted at such election, with intent to escape, evade or violate the provisions of said section twenty-five of the act to which this is a supplement, then any such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment one year at hard labor; *and further*, any person not indicted for the acts forbidden as aforesaid may be compelled to testify in any judicial proceeding against any person or persons charged with bribery, corrupt solicitation, or the offences hereby prohibited, and shall not be permitted to withhold his testimony on the ground that he may criminate himself or subject himself to punishment, but such testimony shall not be afterwards used against him in any judicial proceedings, except for perjury in giving such testimony.

Persons convicted to be deprived of suffrage and disqualified from holding office.

Penalty for marking or corruptly identifying tickets.

Persons may be compelled to testify.

Approved February 17, 1880.

CHAPTER XXIII.

Supplement to an act entitled "An act relative to sales of lands under a public statute, or by virtue of any judicial proceedings," passed March twenty-seventh, one thousand eight hundred and seventy-four.

WHEREAS, The provisions heretofore in force relative to the advertisement and sale of lands have not been in all respects known or complied with, whereby the titles to certain lands are alleged to be defective and uncertain,

Preamble.

No sale of real estate to be invalidated.

Proviso.

Proviso.

Proviso.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That no sale of real estate heretofore made, shall be invalidated by reason of any advertisement of such sale having been in only one newspaper in the county where such lands lie; *provided*, such advertisement shall have been duly inserted in a newspaper published at the county seat of said county; *and provided*, that all the other provisions of said act shall have been complied with; but the purchaser of any such real estate having paid the price thereof and received a deed for the same, shall be deemed to have as good and complete a title thereto as if such advertisement of such sale, or any adjournment thereof, had been in all particulars duly advertised; *and provided further*, that nothing in this act shall affect any pending litigation.

Approved February 17, 1880.

CHAPTER XXV.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, Through inadvertance, orders to show cause why the lands, tenements, hereditaments and real estate of decedents should not be sold for the payment of their debts, have been made returnable at times when the orphans' court did not happen to be in session, and orders to sell in pursuance thereof have been accordingly made at the next or some subsequent sitting of said court; *and whereas*, doubts have arisen as to the legality of orders to sell so made; now, therefore,

Order for sale of lands, real estate, &c. declared valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any order for the sale of the

lands, tenements, hereditaments and real estate of any testator or intestate, for the payment of the debts of such testator or intestate, heretofore made by the orphans' court of any county in this state at the sitting of said court next after the return day of the order to show cause therein, shall be as valid and effectual, to all intents and purposes, as if made on said return day, though not made upon a day appointed by the court, and though, on such return day, said court was not in session; *provided*,^{Proviso.} that no objection, by or on behalf of any party interested, was presented to the court or to the surrogate prior to such making thereof; *and provided further*,^{Proviso.} that this act shall apply only to cases wherein all the other requirements of the law have been complied with.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1880.

CHAPTER XXVI.

An Act respecting the statue of Major General Philip Kearny.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the statue of Major General Philip Kearny, originally intended to be placed in the National Statuary Gallery, at Washington City, be and the same is hereby directed to be erected at some suitable place in the city of Newark, and that to that end the same be delivered to "The Philip Kearny Monument Association" of that city, to be erected at the expense of said association, and without expense to the state.^{Statue to be erected at Newark at expense of association.}

2. *And be it enacted*, That all laws and resolutions inconsistent herewith be and the same are hereby repealed,^{Repealer.} and that this act shall take effect immediately.

Approved February 17, 1880.

CHAPTER XXVII.

A Further Supplement to an act entitled "An act to authorize certain townships, towns and cities to issue bonds, and to take the bonds of the Montclair Railway Company," approved April ninth, one thousand eight hundred and sixty-eight.

Township committee empowered to sell bonds and apply proceeds.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of any township, or other governing board of any municipality, holding income bonds of the Montclair Railway Company, are hereby empowered to sell them at private sale for the best price obtainable in their discretion, and to apply the proceeds according to law; and that so much of the act to which this is a supplement, as is inconsistent herewith, is hereby repealed, and this act shall be a public act and shall take effect immediately.

Approved February 18, 1880.

CHAPTER XXVIII.

A supplement to the act entitled "An act to complete the geological survey of this state," approved March thirtieth, one thousand eight hundred and sixty-four.

Annual appropriation continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual appropriation for the completion of the geological survey of this state, made in the supplement to this act, which was approved

March thirtieth, one thousand eight hundred and seventy-six, be further continued for five years.

Approved February 18, 1880.

CHAPTER XXIX.

A further supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

WHEREAS, It is a recognized principle that when practicable laws should be general and uniform in their character, and the general corporation act of the state provides that at elections for managers or directors of every incorporated company in this state, stockholders may vote in person or by proxy, and the proxies used shall be limited to three years from their date; *and whereas*, by a late law of the state the right of persons entitled to vote at elections for managers or directors of insurance companies of this state is abridged by limiting the use of proxies to one year from their date by means of which females, invalids, or persons residing at a distance as well as other parties who cannot conveniently attend such elections are incommoded for remedy whereof;

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all persons entitled to vote at any election of any insurance company in this state may vote in person, or by attorney or proxy, but no proxy shall be voted or allowed or received for more than three years from its date.

Preamble.
Proxies not to be voted on or received for more than three years.

2. *And be it enacted*, All acts and parts of acts inconsistent with or repugnant to the foregoing shall be and the same are hereby repealed, and this act shall be deemed and taken to be a public act, and shall take effect immediately.

Repealer.

Approved February 19, 1880.

CHAPTER XXX.

An Act to repeal chapter one hundred and two of the laws of one thousand eight hundred and seventy-nine, entitled "An act concerning cities," approved March fourteenth, one thousand eight hundred and seventy-nine.

Act cited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter one hundred and two of the laws of one thousand eight hundred and seventy-nine, entitled "An act concerning cities," approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

Repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1880.

CHAPTER XXXI.

An Act entitled "An act concerning taxes and assessments and arrears of taxes and assessments in towns and townships."

Town council or committee may authorize collector or receiver of taxes to receive and collect interest on taxes and assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the town council or township committee of any town or township in this state to authorize and direct the collector or receiver of taxes, or other proper officer or officers of such town or township to receive and collect upon all taxes and assessments remaining due and unpaid in

whole or in part at the date of the passage of this act, interest at such rate, not exceeding twelve per centum nor less than seven per centum per annum, as shall be determined by said town council or township committee, from the time when such taxes or assessments became by law due and payable.

2. *And be it enacted*, That in cases of sales of lands heretofore made for arrears of taxes or assessments in any town or township in this state, where such town or township has become the purchaser, it shall be lawful for the town council or township committee to authorize and direct the treasurer or other proper officer of such town or township to cancel and surrender any certificate of sale held by such town or township, upon the payment to him of the amount of tax or assessment for or on account of which such sale was made, with interest from the time when such tax or assessment became by law due and payable, at such rate not exceeding twelve per centum nor less than seven per centum per annum, as shall be determined by such town council or township committee and the costs and expense of selling such land ; *provided*, Town council or committee may authorize treasurer, &c. to cancel or surrender certificate of sales upon payment of taxes or assessments, &c. *however*, that the provisions of this act shall not apply to cases where such certificate of sale shall be held by any person or persons other than such town or township.

3. *And be it enacted*, That it shall be lawful for the town council or township committee of any town or township to authorize and direct the collector or receiver of taxes or other proper officer or officers of such township, to receive and collect upon all taxes and assessments which may hereafter be levied, assessed or imposed by such town or township and which may remain wholly or partly due at or after the expiration of the time limited by law for the payment thereof, such rate of interest not exceeding twelve per centum nor less than seven per centum per annum, as shall be determined by such town council or township committee. Council or committee may authorize collector or receiver of taxes to collect interest on unpaid taxes and assessments.

4. *And be it enacted*, That the town council or township committee may by a general order or resolution determine what rate of interest, not exceeding twelve per centum nor less than seven per centum per annum, shall be charged and collected in the cases set forth in the preceding sections of this act. Rate of interest to be determined by resolution.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1880.

CHAPTER XXXII.

An Amendment to "An act respecting coroners," (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-sixth section of the act to which this is amendatory, which section is in the following words, to wit:

Section to be amended recited.

"26. *And be it enacted*, That the following fees shall be allowed:

"To coroner, or person acting in his stead, for viewing the body, five dollars;

"Mileage per mile, going and returning, ten cents;

"Sitting with jury at inquest each day, three dollars;

"Burying body when necessary, fifteen dollars;

"Witnesses' fees and jurors' same as in justices' court," be and the same is hereby amended to read and be in the following words, to wit:

Section as amended.

26. *And be it enacted*, That the following fees shall be allowed:

Fees of coroner, witnesses, &c.

To coroner, or person acting in his stead, for viewing the body, three dollars;

Mileage per mile, going and returning, ten cents, or actual car fare;

Sitting with jury at inquest, each day, two dollars;

Taking depositions of witnesses at inquest, ten cents per folio, counting not more than two folios of manuscript to each page;

For every witness attending such inquest, when resident in the county, fifty cents for each day; and when from a foreign county, one dollar a day, in which shall be included his or her going to and returning from the same, allowing one day for every thirty miles from and to his or her place of residence;

Jurors' fees, twenty-five cents for each case; but in cases of special importance, the board of chosen freeholders of the county in which any inquest is held, may, upon the recommendation of the coroner and of the prosecutor of the pleas, and by the affirmative votes of two-thirds of all the members of such board, make an extra allowance of not more than five dollars to each juror sitting on any such inquest of special importance;

Burying the body when necessary, the actual cost thereof, not exceeding fifteen dollars;

None of the fees allowed in this section shall be paid by any county collector until a detailed bill of items therefor, duly taxed according to law, shall have been presented to and approved by the board of chosen freeholders of such county.

2. *And be it enacted*, That in so far as this act reduces the fees of coroners for services actually performed by them, it shall apply only to coroners hereafter elected.

Approved February 19, 1880.

CHAPTER XXXIV.

A Supplement to an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers, and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the town-

Township committee may pay compensation fees, &c. to com-

missioners, council, &c. as taxed and allowed.

ship committee of any township in this state have applied for and obtained the appointment of commissioners to make a new assessment of the costs and expenses incurred in making an improvement in such township, under the provisions of the act to which this act is a supplement, it shall be lawful for the township committee of any such township to pay to such commissioners, and to any engineer and counsel employed by such commissioners, and to all other persons performing any of the services prescribed by the said act, such compensation, fees and costs as have been or shall be taxed and allowed by the circuit judge of the county in which such township is situated, notwithstanding the act under which such commissioners were appointed may not be applicable to such township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 19, 1880.

CHAPTER XXXV.

An act validating defective conveyances.

Defective conveyances made valid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no deed of conveyance of land made prior to the year eighteen hundred and seventy, by any sheriff or other officer, or auditors in attachment pursuant to any decree, judgment, execution or order of any court, shall be null or void because it may lack the affidavit of the officer making the deed of conveyance aforesaid, and the approval of such deed by the chancellor, justice or master provided for and required by an act of the legislature entitled "An act for the better security of titles to land sold by sheriffs or other officers," approved March twenty-fifth, one thousand eight hundred and sixty-four, nor shall the absence of the affidavit and approval therein so required be esteemed cause sufficient to prevent such deed of conveyance from being

recorded in the records of deeds; and in any suit at law or in equity wherein the title to the land conveyed by any such said deed shall be called in question, the burden of proof shall be upon the party attacking the title made or sought to be made under such deed, to disprove the facts which are required by the aforesaid act to be recited in the affidavit of the officer making the deed of conveyance.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1880.

CHAPTER XXXVI.

A Supplement to an act entitled "An act for the better securing of wages to workmen and laborers in the state of New Jersey," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act for the better securing of wages to workmen and laborers in the state of New Jersey," approved March ninth, one thousand eight hundred and seventy-seven, which reads:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or corporation in this state to issue for payment of labor any order or other paper whatsoever, unless the same purport to be redeemable for its face value, in lawful money of the United States, by the person giving or issuing the same; *provided, however*, nothing in this act contained shall be held to prevent any employer from making any deduction for money due him from any laborer or employee," be and the same is hereby amended so that the same shall read and be:

Section as amended.

Orders in payment of labor prohibited.

Proviso.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or corporation in this state to issue for payment of labor, any order or other paper whatsoever, unless the same purport to be redeemable for its face value at sight in lawful money of the United States, by the person giving or issuing the same; *provided, however*, nothing in this act contained shall be held to prevent any employer from making any deduction for money due him from any laborer or employee; *and provided however*, nothing in this act contained shall prevent any private individual from giving any orders for goods and merchandise on any store in which such private individual has no interest, directly or indirectly, in the profits or business.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1880.

CHAPTER XXXVII.

A Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Assignees may make re-assignments and re-conveyances of property, &c. when compromise has been made with creditors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any debtor or debtors, who shall have made an assignment under the provisions of the act to which this is a supplement, shall make a compromise or composition with his or their creditors, it shall be lawful for the assignee or assignees in such case to make a re-assignment and re-conveyance to said debtor or debtors, of all the property, real and personal, which was assigned to him or them, and of the proceeds of any of said assigned property which he or

they shall have disposed of upon compliance with the provisions of this act.

2. *And be it enacted*, That in every such case the said debtor or debtors shall, within one year after the date of said assignment, file in the orphans' court of the proper county, a petition duly verified by the oath of such debtor or debtors, setting forth the particular manner in which such compromise or composition shall have been made, and shall have annexed thereto a copy of the composition agreement and the signatures thereto, and shall pray for such relief as may be granted under the provisions of this act; and the court shall thereupon make an order that all the creditors of the said debtor or debtors shall appear on a certain day therein named, and show cause, if any they have, why the said compromise agreement should not be confirmed and allowed, and the said assignee or assignees be directed to re-convey and re-assign the property so as aforesaid assigned to him or them.

On petition for relief, court shall make order for creditors to meet and show cause why compromise should not be confirmed.

3. *And be it enacted*, That said order to show cause shall be published for three weeks, at least once in every week, in such newspaper or newspapers as the court may select, and that the said assignee or assignees shall cause copies thereof to be mailed, with the postage prepaid, to every known creditor, at least ten days before the return day of said order.

Order to show cause to be published and mailed.

4. *And be it enacted*, That said court, on the return day of said order, or on such adjourned day as it may appoint, on being satisfied, by affidavit or otherwise, that the requirements of this act in relation to the publication of said order to show cause, and the mailing of copies thereof as is directed by the next preceding section hereof, have been complied with, and upon being further satisfied by due proof that the signatures to the said compromise agreement are genuine and that the same has been executed and signed pursuant to the terms thereof by all the creditors of said assignor, may order that the said compromise and composition be confirmed and allowed, and that the said assignee or assignees do, within such time as said order shall specify, re-convey and re-assign to said debtor or debtors all the said assigned property and the proceeds thereof, and the said order may contain

Court may order compromise confirmed and allowed and the assignee or re-assign all property.

such directions regarding the said re-conveyance and re-assignment as shall comport with the terms of said compromise agreement.

5. *And be it enacted*, That this act shall take effect immediately.

Approved February 23, 1880.

CHAPTER XXXVIII.

An act to authorize and regulate the appointment and employment of officers, agents and employees by municipal boards in cities.

Officers of municipal boards how appointed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the several municipal boards in the cities in this state, by whatever name or designation said boards, or any of them, are known in law, are hereby severally authorized and empowered to appoint and employ their officers, agents and employees respectively provided for by law, without the concurrence of any other municipal board, and such concurrence therein shall not be required.

Concurrence of other municipal boards not required for appointment of officers, &c.

2. *And be it enacted*, That it shall hereafter be lawful for each municipal board, board of public works, or other city board in the several cities of this state to appoint and employ its appropriate officers and agents without the concurrence of any board of finance or other municipal board in such city; and the right of any one municipal board to concur in the appointment and employment, or in the salary or compensation of the officers and agents of any other municipal board, is hereby abolished, and such concurrent action shall not be required.

Repealer.

3. *And be it enacted*, That this act shall take effect immediately, and that all acts and parts of acts public, general, private, special or local, contrary to or inconsistent herewith are hereby repealed.

Approved February 25, 1880.

CHAPTER XXXIX.

An Act providing for the surrender of acts of incorporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any masonic lodge in this state wishing to abrogate its act of incorporation, may, by a majority vote of the same, surrender said act, by filing a declaration to that effect in the office of the clerk of the county in which a lodge desiring to make such surrender may be located, a notification of such intention being also published in a public newspaper in such county for the period of two weeks, once in each week; *provided*, Masonic lodges may surrender acts of incorporation by filing declaration, &c. Proviso. that the act of surrender shall not affect any contract or obligation entered into previous to the revoking of said act of incorporation.

2. *And be it enacted*, That this act take effect immediately.

Approved February 25, 1880.

CHAPTER XL.

An act authorizing corporations, created by special charter or otherwise, to remove their principal office from the place designated in their charters to such other place as may be deemed best by the corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation existing under and by virtue of the laws of Corporations may remove principal office.

Proviso.

this state, whether created by special charter or otherwise, to locate its principal office at such place in this state as may be for the best interests of its business, irrespective of the location of the principal office named in the charter or articles of organization of the corporation; *provided*, that such corporation cause to be made and filed a certificate in writing, in manner hereafter mentioned: such certificate shall set forth, *first*, the name of such corporation, and the city or town in which it is located by charter or in which its principal office had previously been located; and, *second*, the place, town or city in which it proposes to locate the principal office for its business and dealings in the place and stead of that referred to in last preceding paragraph, and which said certificate shall be signed by the board of directors, or a majority of said board, and filed in the office of the secretary of state, and to which certificate shall be affixed the official seal of said board and the affidavit of the secretary or acting secretary of such corporation that the said certificate is made by the authority of the board of directors or managers of such corporation, as expressed by a two-thirds vote of the members present at a regular or special meeting of said board called for that purpose; *provided*, such removal is not outside of this state.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

CHAPTER XLI.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first, one thousand eight hundred and seventy-six.

Receivers of
savings banks to
make report.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the receiver of any savings bank or savings institution, here-

tofore appointed or who may hereafter be appointed, to make a report to the chancellor once in every three months, showing the amount of money received by him, his agents and attorneys, the amount he has by law a right to retain, the items for which he has retained it, the distributive shares of each person interested in the amount in his hands, also showing the assets on hand at the date of each report and uncollected, the said report to be verified by the oath of such receiver, and a copy of it to be filed, immediately after making the same, in the office of the clerk of the county in which the savings bank or institution was located; the first report under this act to be made and filed as aforesaid on or before the first Monday of May next; a failure to comply with the provisions of this act on the part of a receiver, shall be sufficient cause for his removal.

When first report to be made.

Failure to make report, receivers to be removed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

CHAPTER XLII.

A Further Supplement to an act entitled "An act to authorize the formation of railroad corporations and regulate the same."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of writs of certiorari brought to remove the appointment of or proceedings by commissioners appointed to examine and appraise the lands or materials, and to assess the damages for such land and materials required for the construction of any railroad in this state, such certiorari shall not operate as a stay of any proceedings that have been or may be taken by such commissioners so appointed; and the railroad company or companies upon whose application such commissioners shall have

Writs of certiorari to remove appointment or proceedings of commissioners not to operate as a stay, &c.

been appointed, shall not be stayed, hindered, interfered with, nor delayed in the building and construction of their said railroad or railroads by reason of said certiorari; and in case any proceedings removed by certiorari, as aforesaid, shall be set aside or vacated by the court, it shall be lawful for new commissioners to examine and appraise said lands and materials, and assess said damages in the manner now required by law, and no entry of said railroad company or companies upon any lands under proceedings reversed shall be held to be a trespass.

If proceedings be set aside or vacated new commissioners may examine and appraise lands, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

CHAPTER XLIV.

A Supplement to an act entitled "An act concerning evidence" (Revision), approved March twenty-seventh, anno domini one thousand eight hundred and seventy-four.

Persons sued may be sworn and examined as witnesses.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all civil actions in any court of law or equity of this state, any party thereto may be sworn and examined as a witness, notwithstanding any party thereto may sue or be sued in a representative capacity; *provided, nevertheless*, that this supplement shall not extend so as to permit testimony to be given as to any transaction with or statement by any testator or intestate represented in said action.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 25, 1880.

CHAPTER XLV.

A Further Supplement to the act entitled "An act respecting conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks or registers of the several counties of this state be and they are hereby authorized and required to record, in suitable books to be provided for that purpose, any release, or deed intended to operate as a release, in which release or deed the intention to operate as a release shall be plainly manifest, of any lands from the lien and effect of any mortgage or judgment encumbrance thereon, the same having thereon such certificate of the acknowledgement or of the proof of execution thereof, as is or may be by law required for recording of deeds, which certificate shall be recorded therewith; and such recording shall be notice from the time such release, or deed intended to operate as a release is left for that purpose, to all persons concerned, that said lands have been released from said mortgage or judgment encumbrance.

Releases of lands from liens, mortgages or judgments to be recorded.

Recording to be notice of release.

2. *And be it enacted*, That such releases, and deeds intended to operate as releases, shall be properly indexed in suitable indexes to be provided for that purpose, and the records and certified copies thereof shall be evidence, in the same manner and in like cases as the record of deeds; and the clerk or register shall be entitled to the same fees for recording such releases, and deeds intended to operate as releases, and for copying such records, as for recording and copying deeds, and for every search, five cents for each book.

Release, &c., to be indexed and copies to be evidence.

Fees, &c.

3. *And be it enacted*, That when any such release, or deed intended to operate as a release, made and executed after this act shall take effect, is not recorded, or when in

Payments made in good faith without actual notice to be valid and effectual.

such release or deed the intention to operate as a release shall not be plainly manifest, as in this act provided, any payment made, in good faith and without actual notice of such release or deed, to the holder of any mortgage or judgment, from the lien and effect of which any lands may be thereby released, and any assignment of such mortgage or judgment, or of any interest therein, to any person not having actual notice of such release or deed, shall be as valid and effectual as if said release or deed had not been made; and any lands released from the lien and effect of any mortgage or judgment by any such release or deed not recorded, shall be bound by any proceedings and sale under and by virtue of such mortgage or judgment, as if the said lands had not been released from the lien and effect thereof.

Act when to take
effect.

4. *And be it enacted*, That this act shall take effect on the fourth day of July next.

Approved February 25, 1880.

CHAPTER XLVI.

A Supplement to an act entitled "An act relating to municipal or other authorities owning or managing works for the supplying of water to the public," approved March fourteenth, one thousand eight hundred and seventy-eight.

Moneys received
to be paid over to
authorities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the receiver or other collector of taxes authorized by the act to which this is a supplement, to receive money to aid authorities owning or managing works for the supplying of water to the public, in carrying on such works, shall pay all moneys assessed and received by him for the managing of said works when collected directly, and as collected, to such authorities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1880.

CHAPTER XLVII.

A Further Supplement to the act entitled "An act to authorize the formation of railroad corporations and to regulate the same" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the time ^{Time extended for completion of road.} heretofore allowed by law for the completion of the railroad (including tunnel work) of any railroad company incorporated under the laws of this state, whose route does not exceed four miles in length, will prove insufficient for the completion of the road, or has expired or is about to expire, said time is hereby extended for the period of four years from and after the passage of this act.

2. *And be it enacted*, That it shall be lawful for any railroad now organized under the act to which this is a supplement, to cross with their road any other railroad at any point not more than two miles from the terminus of either road at any angle not less than fifteen degrees; *provided*, that if the road crossed has more than one track, ^{Railroads may cross at angle.} *provided*, no change shall be made in the angle of crossing unless the said crossing shall be above grade; *and provided*, such ^{Proviso.} crossing above grade shall span the entire roadway of such road crossed, not exceeding one hundred feet. ^{Proviso.}

3. *And be it enacted*, That in cases where any railroad company has failed to construct their railroad upon any ^{When location shall have priority.} part of the location filed by them, within the time allowed by law, and since the expiration of said time any other railroad company has filed a location crossing the same,

said company last filing their location shall have priority of right over said location at said crossing.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 26, 1880.

CHAPTER XLVIII.

A Supplement to an act entitled "An act concerning roads," approved March thirteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of said act, which reads as follows :

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state wherein the qualified voters of each road district for the time being are authorized to elect overseers of the highways for said districts respectively, such elections shall be held on the Friday next preceding the second Tuesday of April annually," be and the same is hereby amended so as to read as follows :

Section as amended.

Time for holding elections for overseers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state wherein the qualified voters of each road district for the time being are authorized to elect overseers of the highways for said districts respectively, such elections shall be held on the Thursday next succeeding the regular annual town meeting in each and every year, and the overseer in each road district shall set up two notices in writing in two public places in each road district of elections of overseers, five days before the day herein fixed for such elections, and in case of the failure of any overseer to give such notice, then the township committee shall appoint some suitable person to fill any vacancy.

Notice of election to be reported.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1880.

CHAPTER XLIX.

An act to repeal the act entitled "A further supplement to the act concerning roads," approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved March twenty-third, one thousand eight hundred and fifty-nine, which said act was approved March thirtieth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Repealer.} *the State of New Jersey*, That the act entitled "A further supplement to the act concerning roads," approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved March twenty-third, one thousand eight hundred and fifty-nine, which said act was approved March thirtieth, one thousand eight hundred and seventy-five, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 26, 1880.

CHAPTER L.

An Act entitled "An act to provide for the review by the justices of the supreme court of this state of summary convictions by justices of the peace, police justices and recorders of cities in this state."

Complaint, warrant and record of proceedings in cases of conviction to be filed in the county clerk's office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of all justices of the peace, police justices and recorders of cities in this state, in all cases of summary convictions had before them, within three days after each and every such conviction, to file the complaint, warrant and record of the proceedings and conviction of the offender in the office of the county clerk of their respective counties, there to be and remain of record.

Justice of supreme court may review the proceedings upon application.

2. *And be it enacted*, That it shall be lawful for the justice of the supreme court holding the circuit in each of the counties of this state, upon application made to him for that purpose by any person convicted as aforesaid, who may desire to have the legality of his conviction reviewed, to order the said complaint, warrant, proceedings and record of conviction to be forthwith brought before him, that the legality of said proceedings and conviction may be reviewed and determined; and if such proceedings and conviction shall thereupon be found to be illegal, forthwith to set aside the same and to order the discharge of said offender from custody.

Offender to be discharged if conviction found to be illegal.

Fees of justice of Supreme court.

3. *And be it enacted*, That the said justice of the supreme court, for each case brought before him under the provisions of this act, shall be entitled for his services therein the sum of two dollars, to be paid by the applicant, and said fees when paid to such justice or to any clerk shall be disposed of as now required by law.

4. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1880.

CHAPTER LI.

A Supplement to an act entitled "An act relating to reassessments of benefits in cities," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of, an act entitled "An act relating to reassessments of benefits in cities," which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of* ^{Section to be amended recited.} *the State of New Jersey*, That when any assessment for benefits for local improvements heretofore made, or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari by any court of review, the common council of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment, and thereupon a new assessment shall be made by commissioners appointed by the circuit court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such reassessment the person or persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefitted by said improvement an amount of the assessment so set aside which is equal to the amount of benefit actually received by said lands and real estate, proportioned as nearly as may be to the benefit each owner thereof shall be deemed to acquire; and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said person or persons authorized to make said reassessment shall proceed in all respects as provided in respect to the original

assessment; but in making such reassessment any tracts of land and real estate originally assessed for the benefit of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be reassessed," be and is hereby amended to read as follows:

Section as amended.

Proceedings where assessments have been set aside by court of review.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any assessment for benefits for local improvements heretofore made or hereafter to be made in any city of this state, has been or shall be set aside only as to the prosecutor or prosecutors of any writ or writs of certiorari, by any court of review, the common council or board of aldermen of said city shall ascertain and estimate the amount of the assessment or assessments so set aside, together with the lawful interest accrued thereon, and the costs and expenses of a new assessment and thereupon a new assessment shall be made by three commissioners appointed by the circuit court of the county in which such city is situated, in conformity with the provisions of any existing law of this state; and in making such reassessment the persons authorized to make the same shall assess upon all the owners of the lands and real estate peculiarly benefitted by said improvement an amount of the assessment so set aside which is equal to the amount of benefits actually received by said lands and real estate proportioned as nearly as may be to the benefit each owner thereof shall be deemed to acquire, and the balance of said assessment so set aside and remaining unassessed shall be assessed upon and paid by the said city, and said persons authorized to make said reassessment shall proceed in all respects as provided in respect to the original assessment; but in making such reassessment any tracts of land and real estate originally assessed for the benefits of said improvement, and the original assessment upon which shall not have been set aside, shall not be liable to be reassessed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 27, 1880.

CHAPTER LII.

A Supplement to an act entitled "An act to prevent the willful pollution of the waters of any of the creeks, ponds or brooks of this state," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to prevent the willful pollution of the waters of any of the creeks, ponds or brooks of this state," which reads as follows:

1. "BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall throw, cause or permit to be thrown into the waters of any creek, pond or brook of this state, the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal, or any offal or offensive matter whatsoever calculated to render said waters impure, or to create noxious or offensive smells, or shall connect any water closet with any sewer, or other means whereby the contents thereof may be conveyed to and into such creek, pond or brook, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both," be and is hereby amended to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person or persons shall throw, cause or permit to be thrown into any reservoir, or into the waters of any creek, pond or brook of this state, the waters of which are used to supply any aqueduct or reservoir for distribution for public use, any carcass of any dead animal, or any offal or offensive

matter whatsoever calculated to render said waters impure, or to create noxious or offensive smells, or shall connect any water closet with any sewer, or other means whereby the contents thereof may be conveyed to and into any such creek, pond or brook, or shall so deposit or cause or permit to be deposited any such carcass, offal or other offensive matter that the washing or waste therefrom shall or may be conveyed to and into any creek, pond, brook or reservoir, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

Owners or occupants of lands to bury offal, &c.

2. *And be it enacted*, That it shall be the duty of the owner or owners, occupant or occupants of any land whereon any such carcass, offal or other offensive matter may be, to cause the same to be buried forthwith, so that all portions thereof shall be covered with solid earth to a depth of at least two feet below the surface of the ground, and not within a distance of two hundred feet from such creek, pond or brook used as aforesaid; and any such owner or occupant who shall refuse or neglect for the space of two days to remove and bury as aforesaid, or cause to be removed and buried, any such carcass, offal or offensive matter, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, or both.

Penalty for violation.

Repealer.

3. *And be it enacted*, That all acts and parts of acts inconsistent with this act in as far as they are inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 27, 1880.

CHAPTER LIII.

A supplement to an act entitled "An act to facilitate the collection of certain premiums for the benevolent funds of fire departments of cities from fire insurance companies not organized under the laws of this state, but doing business herein," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That sections one, two, three and four of the act to which this is a supplement, which reads as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agent or agents of any foreign fire insurance company doing business in any city of this state having a fire department relief fund shall return to the treasurer of such fire department relief fund of the city in which he is doing business, on the thirty-first day of December and the thirtieth day of June of each year, a just and true account, verified by his oath that the same is a true account of all premiums which during the six months ending on the thirty-first day of December or the thirtieth day of June, as the case may be, next preceding such report, or such portion of said periods as he may have acted in the capacity as agent for such foreign insurance company, has been received by him, or by any other person for him, or agreed to be paid for any insurance or against loss or injury by fire upon property situate in such city, which shall have been effected for any individual or association not incorporated by the laws of this state," be amended so it shall reads as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the agent or agents, broker or brokers, of any foreign fire insurance company doing

Agents or brokers
to return
amount of pre-
miums received,
to treasurer of
fire department
relief fund.

business in any city, incorporated town, borough or township of this state having, or may hereafter have, a fire department relief fund shall return to the treasurer of such fire department relief fund of the city, incorporated town, borough or township in which he is doing business, or effects an insurance, on the thirty-first day of December and the thirtieth day of June of each year a just and true account, verified by his oath that the same is a true account of all premiums which during the six months ending on the thirty-first day of December or the thirtieth day of June, as the case may be, next preceding such report, or such portion of said periods as he may have acted in the capacity as agent for such foreign insurance company, has been received by him, or by any other person for him, or agreed to be paid for any insurance, or against loss or injury by fire upon property situated in such city, incorporated town, borough or township, which shall have been effected for any individual or association not incorporated by the laws of this state.

Section to be
amended recited.

"2. *And be it enacted*, That such agent or agents of every fire insurance company aforesaid shall some time in the months of January and July in every year in which he shall act as such agent, deliver and pay to the treasurer of the benevolent fund of the fire department of the city in which such agent is doing business, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which, during the six months preceding the thirty-first day of December and thirtieth day of June in each year, or for such portion of said periods for which they may have acted as such agents, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected or agreed to be effected, or promised by him as such agent for premiums, or any insurance against loss or injury by fire upon any property," be amended so it shall read as follows:

Section as
amended.

Payment of tax
on premiums to
be paid semi-
annually.

2. *And be it enacted*, That such agent or agents, broker or brokers, of every fire insurance company aforesaid shall, some time in the months of January and July in every year in which he shall act as such agent, or broker, deliver and pay to the treasurer of the benevolent fund

of the fire department of the city, incorporated town borough or township in which such agent or broker is doing business, or effects an insurance, the sum of two dollars upon the hundred dollars, and at that rate upon the amount of all premiums which during the six months preceding the thirty-first day of December and thirtieth day of June in each year, or for such portion of said period for which they may have acted as such agents or brokers, shall have been received by him, or by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, or promised by him as such agent or broker for premiums on any insurance against loss or injury by fire upon any property.

"3. *And be it enacted*, That such agent doing business as aforesaid shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of the insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance and the premium paid therefor, and in case any fraud or dishonesty in the return made by such agent as provided for in section one of this act be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city in which such agent is doing business, to obtain an order from the presiding judge of the court of common pleas of the county in which said city is located, compelling such agent to produce in said court his books of accounts for examination by said court," be amended so it shall read as follows :

3. *And be it enacted*, That such agent or broker doing business or effecting an insurance as aforesaid, shall keep accurate books of accounts of all business done by him, in which shall be put down the name of the insured, the date of insurance, the expiration thereof, a description of the property insured, its location, the amount of insurance, and the premium paid therefor ; and in case any fraud or dishonesty in the return made by such agent, as provided for in section one of this act, be apparent, it shall be the duty of the treasurer of the benevolent fund of the fire department in the city, incorporated town, borough or township in which such agent or broker is

Section to be amended recited.

Section as amended.
Agent, &c., to keep accurate books of all business.

Proceedings in case of apparent fraud in return of agents.

doing business, or effects an insurance to obtain an order from the presiding judge of the court of common pleas of the county in which said city, incorporated town, borough or township is located, compelling such agent or broker to produce in said court his books of accounts for examination by said court.

Section to be
amended recited.

"4. *And be it enacted*, That every agent of any foreign fire insurance company who shall neglect to keep such books of accounts, as aforesaid, or shall refuse to produce the same in the court of common pleas, as aforesaid, upon an order of said court, or shall fail or neglect to report and pay over the money due upon the premium at the time and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall, for each offence, forfeit five hundred dollars for the use and benefit of the fire department benevolent fund of such city," be amended so it shall read as follows:

Section as
amended.
Penalty for fail-
ure.

4. *And be it enacted*, That every agent or broker of any foreign fire insurance company who shall neglect to keep such books of accounts, as aforesaid, or shall refuse to produce the same in the court of common pleas, as aforesaid, upon an order of said court, or shall fail or neglect to report and pay over the money due upon the premium at the time and in the manner specified in the preceding sections of this act, or shall be found upon examination to have returned a false return of the business done by him, shall, for each offence, forfeit five hundred dollars for the use and benefit of the fire department benevolent fund of such city, incorporated town, borough or township.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 1, 1880.

CHAPTER LIV.

A Further Supplement to an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of an act entitled "An act to authorize the formation of pursuing and detective companies," approved March twenty-ninth, one thousand eight hundred and seventy-eight, which reads as follows:

"5. *And be it enacted*, That the board of direction may Section to be amended recited. appoint or elect any number of the members of any such company, not exceeding twenty, pursuers, and to give to each a badge of office, who shall continue in office for one year, and during such continuance in office shall each have the power and authority of a constable so far as may be necessary to carry out the aforesaid objects of such company, and may execute warrants for that purpose issued by any justice of the peace or alderman, and shall have all the responsibilities and immunities of constables in the exercise of said power and authority for the objects aforesaid; *provided*, that they shall not be liable to the performance of any services except as directed by the by-laws of such company; nor shall they be entitled to any fees or compensation for their services, except out of the funds of the company, and according to the by-laws or other regulations thereof," be amended so as to read as follows:

5. *And be it enacted*, That the board of direction may Section as amended. appoint or elect any number of the members of any such Board of Direction. company, not exceeding twenty, pursuers, and to give to Badge of office. each a badge of office, who shall continue in office for one year, and during such continuance in office shall

To have power
and authority of
constables.

Proviso.

Repealer.

each have the power and authority of a constable, so far as may be necessary to carry out the aforesaid objects of such company, and may execute warrants for that purpose in any part of the state, issued by any justice of the peace or alderman, and shall have all the responsibilities and immunities of constables in the exercise of said power and authority for the objects aforesaid; *provided*, that they shall not be liable to the performance of any services except as directed by the by-laws of such company; it shall be lawful for the members of said companies to demand and receive reasonable fees and rewards, as shall be agreed upon by the officer or officers and those who may employ them, for their services as such pursuers or detectives, from any person or persons who may employ them, and to make contracts and agreements concerning such employment.

2. *And be it enacted*, That all parts of the act to which this is a further supplement inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 2, 1880.

CHAPTER LV.

An act to authorize railroad companies to change their corporate name.

Railroad Companies may change their corporate name.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad company organized under the laws of this state, to change their corporate name in the following manner: The board of directors, by resolution shall designate the name which it is proposed to adopt, and authorize the president of said board of directors to give notice to the stockholders, by publication in at least one newspaper published in each county through which said railroad is located, once a week for four weeks, of a meeting to be

held for the purpose of considering said change of name, fixing a time and place of holding said meeting, and if at said meeting a majority in interest of the stockholders present shall vote in favor of the proposed name, it shall be the duty of the president of said board of directors, to file in the office of the secretary of state, a statement signed by the president and secretary of said company, containing all the proceedings of said meeting, and from and after the filing of said statement, the said name so adopted shall be the corporate name of said company, with the like effect for all purposes, as if the same had not been changed; *provided, however,* that said change of name shall in no wise impair or affect any existing contract to which said company is a party.

Statement to be
filed in office of
secretary of state.

Proviso.

2. *And be it enacted,* That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 2, 1880.

CHAPTER LVI.

An act respecting sewerage and drainage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever a petition stating that any particular place or district therein described, in any township of this state, is in a condition detrimental to the public health, or likely to become so, signed by property owners in said district, the assessed value of whose real estate within said district is one-tenth of the assessed value of the real estate within said district, shall be presented to the township committee of said township in which said district is situate, the said committee, if satisfied that said petition fairly represents the wishes of a sufficiently large proportion of the property owners of said district, shall employ a competent civil engineer to make plans and specifications for the building of a sewer

Township committee may, upon petition of property owners, employ engineers to make plans and specifications for building sewers, drains, &c.

or sewers, drain or drains, the erection or construction of pumps, dykes, dams, tidebanks and such other works, and such filling and excavating as may be necessary to secure a sufficient and proper drainage or sewerage, or both, of the place or district required to be drained or sewered.

Petition to be presented to township committees if district located is in more than one township.

2. *And be it enacted*, That if said district be located in more than one township, said petition shall be presented to the township committees of such township, who, in acting thereon, and in carrying out the provisions of this act, shall act as one committee, or refer the matter to a sub-committee of their number.

Decision of committee to appoint engineer to be conclusive.

3. *And be it enacted*, That the decision of such township committee or committees to appoint such engineer, shall be conclusive as to the sufficiency of the petition.

Report of engineer to be presented, and committee may change plans and specifications.

4. *And be it enacted*, That the report of such engineer, with plans and specifications for properly draining and sewerage said district, shall be presented to the said committee, who shall thereupon consider the said report, and may in connection with said engineer, make such changes in said plans and specifications as they, or a majority of them, deem advisable; said plans and specifications, when completed, shall show the location and size of all main sewers and drains to empty into said main sewer, and other general features of the plan, and shall state what part of said plan it is proposed to carry out and construct immediately, and shall have annexed thereto an estimate, made by said engineer, of the probable cost of the work it is proposed to construct immediately, including damages and compensation for any lands which it may be necessary to take or use; and the said plans, specifications and estimate shall then be and remain open for public inspection at some convenient place, at reasonable hours, for four weeks, and notice thereof shall be given by publication once a week during said four weeks, in a newspaper published in or nearest to said district, and also by posting large and conspicuous notices in six public places in said district.

Plans, &c., when completed, to show location and size and estimate of cost.

To remain open for inspection, and notices to be published.

Election to be held for adoption of plans, and whether bonds shall be issued.

5. *And be it enacted*, That the said committee shall order an election to determine whether said plans, or the part thereof which it is proposed to carry out immediately, shall be adopted, and whether bonds shall be

issued to procure money to pay for the same, and shall designate the time and place, or places for holding said election, and appoint inspectors thereof; and the notices required in the fourth section of this act shall contain a notice of such election, and of the time and place or places appointed therefor; at such election the polls shall be open from eight o'clock in the morning till five in the afternoon of the day on which it is held, and every freeholder residing in said township or townships in which said district is situate may vote, and the inspectors shall certify the result of said election to the clerk of the county in which said district is situate; should a majority of the votes cast be against the plan proposed, or against issuing bonds, the said committee shall have power to submit the same or other plans to the electors at another election, to be ordered and held in the same manner as hereinbefore provided.

6. *And be it enacted*, That whenever at any election held in accordance with section five of this act, a majority of the votes cast shall be in favor of the adoption of any plan submitted as aforesaid, and the result of such election shall have been properly certified to the clerk of the county, the said committee shall proceed to construct and complete such works in accordance with said report, plans and specifications.

If plans are adopted at election, committee to proceed and complete the work.

7. *And be it enacted*, That said committee shall have power to issue certificates of indebtedness or improvement certificates to the contractors for work done, to be paid out of moneys raised for the purposes specified in this act as hereinafter set forth; and in case an issue of bonds has been authorized as aforesaid, to issue registered or coupon bonds of said township or townships for the purpose of providing funds to pay for said improvements; said bonds shall be made payable at times to be therein specified, not more than twenty years thereafter, but so that an equal amount of said bonds shall fall due each year after the first; such bonds shall be of the denominations of one thousand, five hundred and one hundred dollars, and shall bear interest at the rate of six per centum per annum; in case the said district lies in more than one township, the said committee shall determine the amount of bonds to be issued by each township

Committee authorized to issue certificate of indebtedness or improvement certificates.

May issue bonds.

When district lies in more than one township, committee to determine amount of bonds to be issued by each township.

in proportion to the amount of the assessment for such work likely to be assessed upon lands situate in each township respectively; said bonds shall be issued under the seal of the township, and be signed by the township committee and countersigned by the treasurer of the township, and shall be a lien upon all the real estate assessed as hereinafter provided.

Committee empowered to construct sewers, drains, pumps, dams, &c., through or across any street or streets, and through any private lands.

Compensation may be awarded and notice given to owners.

Award to be final unless reconsidered or appealed from.

Interest.

Committee to award compensation to owners of lands in a neighboring township.

8. *And be it enacted*, That the said committee shall have power to construct such sewers, drains, pumps, dykes, dams, tidebanks, and other works, in accordance with the plans adopted, through and across any road or street in the township or townships in which said district lies, and also through any private lands in such township or townships, in which latter case they shall award the owner or owners of such lands just compensation therefor, and shall add the amount of such compensation to the cost of constructing such works; such compensation shall be awarded and notice thereof given to the owner personally, if he be known and resident of the county, and if not a resident of the county, then by mail, according to the best information that can be obtained as to his address, before commencing such work; and such award shall be final, unless such committee shall reconsider the same and make a new award, or such owners shall appeal, as provided in section fifteen of this act; such award shall bear interest at the rate of six per centum per annum from the date of the making of the same till paid.

9. *And be it enacted*, That if the said committee shall find it necessary to construct and work through or upon any lands in a neighboring township, and are unable to agree with the owners of such lands upon the compensation to be paid therefor, they shall apply to the township committee of said township, who shall decide upon the necessity of entering said township with such work (subject to appeal as provided in section fifteen of this act), and if they, or the court of common pleas, on appeal, decide to allow such work in such township, the said township committee shall award compensation upon the same principles, and proceed in the same manner, and the same notice shall be given, and their action shall be

subject to the same appeal as provided in the eighth section of this act.

10. *And be it enacted*, That the expense of such work shall be assessed upon lands specially benefitted by such improvement, in proportion to the benefit received thereby, but not exceeding in any case the amount of such benefit; when such work is completed, the said committee shall apply to the court of common pleas of the county where said improvement is situate, for the appointment of commissioners to make such assessment; two weeks' notice of such application shall be given in one of the newspapers published in said county circulating in the neighborhood of said district, and the said court shall thereupon appoint three discreet and impartial freeholders, not property owners, taxpayers or residents within said district, or liable to be taxed or assessed for such improvements, as commissioners to make such assessment; and said commissioners shall, before entering upon the duties of their office, subscribe and file in the office of the clerk of the county, an oath, faithfully and impartially to discharge the duties devolving upon them as such commissioners; said commissioners shall thereupon give ten days' notice in a newspaper circulating in said district, that they will meet at a certain time and place to hear the views of all persons interested in the matters referred to them, at which time and place said commissioners shall meet and give full reasonable opportunity to all persons interested to express their views, and may adjourn from time to time, and shall thereupon proceed to make a just and equitable assessment of the costs and expenses of said improvement, including damages for lands or property taken or used, upon the lands specially benefitted by such work in proportion to the benefits acquired by said lands, not exceeding in any case the special benefits so received; within ten days after making such assessment, a notice shall be sent through the post office to each owner of lands so assessed (as nearly in such case as the name and address of the owner can be ascertained), stating the amount assessed against said land, and that said assessment will be open for inspection during the next fifteen days, and that the said commissioners will then meet at a time and place,

Expenses to be assessed upon lands specially benefitted.

Appointment of commissions to make assessment, how made.

Commissioners to take oath.

Notice of meeting to be published.

Commissioners to make assessment of costs and expenses, and damages upon lands specially benefitted.

Notice of amount of assessment to be mailed to each owner of land.

in said notice specified, to hear objections and to revise and correct and finally confirm said assessment; at which time and place the said commissioners shall meet and give all parties appearing before them an opportunity to be heard, and may adjourn from time to time, and shall reconsider said assessment, and shall make any alterations therein they may deem just, and thereupon they shall revise, correct and finally confirm the said assessment, and within ten days thereafter shall file said assessment in the office of the clerk of the county, and shall give notice of such filing by publication once a week for four weeks, in a newspaper published in or nearest to said district; and the determination of said commissioners, or a majority of them, shall be final and conclusive, unless an appeal be taken, as provided in section fifteen of this act.

11. *And be it enacted*, That from and after the filing of said assessment in the office of the clerk of the county, the said assessment shall be and remain a first and paramount lien upon each lot of land or property assessed for the amount of such assessment, with interest thereon, and all cost and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation of such land, or any judgment, mortgage or encumbrance thereon, and notwithstanding any mistake in the name or names of the owner or owners, or any omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs shall nevertheless be a valid and effectual lien as aforesaid upon the lands assessed; and said assessment shall, in case bonds have been issued as aforesaid, be due and payable in equal annual installments concurrently with said bonds, and bear interest at the rate of six per centum per annum from the date of filing said assessment in the county clerk's office, but said bonds shall always be receivable in payment of such assessment, and if no bonds be issued, then all the said assessment shall be due immediately; and said assessment, and each installment as it falls due, shall be collected by the collector of the township and paid over to the treasurer thereof for the purposes specified in this act and no other; and if such assessment, or any installment thereof, with interest

Commissioners may revise, alter, correct and confirm assessments and to file the same in county clerk's office.

Determination to be conclusive unless an appeal be taken.

Assessment to be and remain a lien upon property.

Assessments when due and payable, and to bear interest.

Collector to collect assessments.

thereon, be not paid within one year from the time when the same is payable, then the land upon which the said assessment is a lien shall be sold to pay the same, with interest thereon at the rate of one per centum per month from the time when the same was payable, and all fees, charges and expenses of collection and sale in the same manner as land is authorized to be sold for unpaid taxes in the township where such land lies.

Assessments not paid within one year, land to be sold.

12. *And be it enacted*, That in case the cost of constructing such sewer or sewers, and the erection of such other works as are deemed necessary for the purposes aforesaid, shall exceed the benefits to lands specially benefitted thereby, such excess of cost and expenses shall be raised by general taxation in the township in which said district is situate, to be assessed, levied and collected in the same manner as other taxes for township purposes are assessed, levied and collected.

If cost of constructing sewers exceed the benefits, excess to be raised by general taxation.

13. *And be it enacted*, That the said committee shall have power to remove any civil engineer appointed as aforesaid and appoint another, and shall fix the compensation of such engineer; they shall also have power to appoint, employ, remove and discharge, from time to time, such superintendents, surveyors and other employees as they may deem necessary to carry out the provisions and intentions of this act, and to pay them such compensation or wages as they may deem fair and reasonable.

Committee empowered to appoint engineers, surveyors, employees, &c., and fix their compensation.

14. *And be it enacted*, That the court of common pleas of the county shall fix the compensation of the commissioners making the assessment, upon application made to said court, after filing the same; and the collector, for collecting the said assessment, shall receive the same compensation or fees as for the collection of taxes, and shall be subject to the same liabilities, pains and penalties, but he shall be allowed to retain his compensation, or fees, out of the moneys collected.

Court of common pleas to fix compensation of commissioners.

Fees of collector.

15. *And be it enacted*, That any person or persons feeling aggrieved by the action of any committee in awarding compensation for lands or property taken or used for the purposes of such improvement, or by the action of the commissioners making the assessment, pursuant to section ten of this act, may, within forty days after serving

Persons aggrieved may appeal from award of committee or commissioners.

or mailing the last notice required to be given of such award or assessment, appeal to the court of common pleas of the county, by serving a notice in writing of such appeal upon one of the committee or commissioners, whose award or assessment it is intended to appeal from, and the said court shall have full power to review the proceeding of said committee or commissioners in the premises; and the same, or any award, assessment or other action to confirm, alter, modify, set aside or reverse, in whole or in part, for errors either of fact or in law, and the said court shall have power to hear and try the same in a summary way, and may summon a jury to determine any question of fact, and the said court may proceed in due course, according to the power of the court in other cases; and the determination of the said court shall be final and conclusive in the premises, and the said court, or any judge thereof, may, until such determination, stay all proceedings in the matter, in reference to which the appeal may be taken, until such final determination; and like fees and costs shall be paid to the judges, jury, officers of the court and parties, as are allowed in other causes of which said court may have jurisdiction; and the said court shall have power to make and prescribe all necessary forms, rules and regulations in the conduct of any proceedings to be taken hereunder; if no such appeal shall be taken within the time and in the manner prescribed in this section of this act, the action of the said committee or commissioners shall be final and take effect, and they may proceed to carry the same into effect.

Determination of court to be final and conclusive.

Fees and costs on appeal.

Expense of maintaining and keeping in repair sewers, drains, &c., to be borne.

Time may be extended.

16. *And be it enacted*, That whenever any drains or sewers, or system of drains and sewers, or other works provided for in this act, shall have been constructed, the expense of maintaining and keeping the same in repair shall be borne by the township or townships in which the district benefitted thereby is located.

17. *And be it enacted*, That the time within which anything is required to be done by this act may be extended by the court of common pleas of the county for good reasons shown, and on such terms and conditions as may be just, provided no rights are prejudiced thereby, and

such extension may be granted after the time before limited has expired.

18. *And be it enacted*, That this act shall not apply to Act not to apply. any incorporated city or village whose charter provides for works of the character specified in this act.

19. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1880.

CHAPTER LVII.

An Act to repeal an act entitled "A further act concerning cities," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of* Act repealed, *the State of New Jersey*, That the act entitled "A further act concerning cities," approved April fifth, one thousand eight hundred and seventy-eight, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 2, 1880.

CHAPTER LVIII.

Supplement to "An act relative to sales of land under a public statute, or by virtue of any judicial proceedings," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, The provisions of the first section of the act recited in the title of this act, and the provisions of the act amendatory thereof, approved April ninth, one thousand eight hundred and seventy-five, require certain advertisements to be published in two of the newspapers printed and published in the county in which the lands are situate, at least four weeks successively once a week next preceding the time appointed for selling the same; therefore,

No sale of lands
to be invalid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any officer or other person since the approval of said amendatory act, shall be held to be invalid by reason of any failure to comply with the provisions of said acts relating to the publishing of advertisements in two newspapers at least four weeks successively, once a week, next preceding the time appointed for selling the same; *provided*, the said sale or sales shall have been advertised at least four weeks successively, once a week, next preceding the same in at least one newspaper printed and published at the county seat of the county in which said lands are situate, and also at least four weeks successively, once a week, although not next preceding such sale, in one other newspaper printed and published at the county seat of the county in which said lands are situate; *and provided*, that all the other provisions of said last mentioned acts in relation to the publication of advertisements of sales of land shall have been complied with; *and provided*, that this act shall not be construed to extend to any sales of land to be made after this act goes into effect.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LIX.

A supplement to an act entitled "An act relative to morgues and morgue keepers," approved March fourth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for the coroner or coroners of any county of this state in which there is a county physician or physicians regularly appointed by the board of chosen freeholders of such county, and morgue keeper or keepers heretofore regularly appointed by the judges of the court of common pleas of such county according to the provisions of the act to which this is a supplement, to take in charge and keep any dead body or bodies that shall not at the time of death or finding be known or claimed, but it shall be the duty of such coroner or coroners to deliver such body or bodies to the keeper of the public morgue of the district in which such death shall have occurred or body been found, who shall receive and place the same in such morgue.

Coroners to deliver dead bodies to keepers of public morgues.

2. *And be it enacted*, That it shall be the duty of the said coroner at once to notify the county physician who either in person or by deputy, which deputy shall be a regularly licensed and practising physician, shall view such body or bodies and if no inquest is deemed necessary, then such body or bodies shall be buried by the said morgue keeper, and the expenses of the same shall be a legal charge upon and shall be paid by the county wherein such death shall have occurred or body been found; *provided*, that the whole charge upon the county shall not exceed the sum of ten dollars for each body as buried.

Coroner to notify county physician to view bodies.

Morgue keeper to bury, and expense of same to be paid by the county.

Proviso.

3. *And be it enacted*, That if after such view an inquest shall be deemed necessary by the said county physician or

Inquest to be held if deemed necessary by county physician

- his said deputy, the same shall be held as now provided by law by the coroner in whose district such body shall have been found, after which the said body or bodies shall be buried by the said morgue keeper, and the expenses of the same shall be a legal charge upon and shall be paid by the county wherein such death shall have occurred or body been found; *provided*, that the whole charge upon the county shall not exceed the sum of fifteen dollars.
- Bodies to be buried by morgue keeper also the expense to be paid by the county.
Proviso. 4. *And be it enacted*, That it shall be the duty of the said county physician or his said deputy to grant exclusively to the said morgue keepers, and to no others, burial certificates for the unknown dead.
- Unknown dead bodies to be delivered to friends or relatives on demand. 5. *And be it enacted*, That if any unknown dead body or bodies shall be identified after the same has been placed in said morgue it shall be the duty of the said morgue keeper to deliver the same to any relative or friend making demand therefor, who shall make known the name and last residence of the deceased, and sign a written receipt for said body or bodies in a book to be kept by the said morgue keeper for that purpose.
- Morgue keepers to keep record of bodies and take possession of all property, &c. 6. *And be it enacted*, That it shall be the duty of the said morgue keeper or keepers to keep a correct record of all bodies deposited in said morgue and to take possession of all clothing and other property found upon the person of the deceased and dispose of the same as now provided by law.
- Police officers to notify morgue keepers of unknown dead bodies. 7. *And be it enacted*, That it shall be the duty of the chief of police or any police officer on duty in any city in which said morgues exist, to notify the coroner, who shall at once notify the keeper of the nearest morgue of the finding of all unknown or unclaimed dead in said city.
- Penalty for violation of this act. 8. *And be it enacted*, Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not less than ten dollars or more than twenty-five dollars.
- Repealer. 9. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.
- Approved March 3, 1880.

CHAPTER LX.

Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four, and which reads as follows:

"2. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any gray, black or fox squirrel, between the first day of January and the first day of July in each year, under a penalty of five dollars for each and every squirrel so killed or had in possession," be amended so as to read as follows:

2. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any gray, black or fox squirrel, between the first day of January and the first day of September in each year, under a penalty of five dollars for each and every squirrel so killed or had in possession.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXI.

A Supplement to "An act respecting jails," approved April twenty-first, one thousand eight hundred and seventy-six.

Jailers to put and keep at work all persons detained for non-payment of fines, or costs of conviction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the jailer of every county jail in this state to put and keep at such work as they are able to perform, any and all persons detained in his custody for the non-payment of any fine, or costs of conviction; such work to be directed and provided by the boards of chosen freeholders of the respective counties, and to be performed for the benefit thereof if they shall see fit to order and direct such work to be done; unless any such person shall be excused from such work for good cause shown, by the president judge of the court which may have imposed sentence on such person.

Approved March 3, 1880.

CHAPTER LXII.

An Act for the better securing of the property of married women living in a state of separation from their husbands.

Married women living in a separation from her husband may assign, convey, sell, mortgage, lease or devise real property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who is living in a state of separation from her husband, and who now is or may hereafter become entitled by gift,

devise, bequest or descent to any contingent estate, or interest in any real or personal property or estate, except any estate that may have come to her from her husband, may, without the consent or concurrence of her husband, compound and receipt for, assign, convey, sell, mortgage and lease or devise any interest, estate or right that she may have in any real property, the same in all cases where she lawfully might, if a *feme sole*; and every release, receipt, assignment, discharge, agreement, covenant or contract thereupon entered into by her in regard to the same, and to the said real or personal property, shall be as valid and binding in every respect upon her, her heirs, executors, administrators and assigns, and any and all persons claiming under her, them or either of them, as if she were at the time of entering into the same, a *feme sole*, and when duly executed and acknowledged in the manner provided by law for conveyance of real estate, may be recorded in the surrogate's office, and whenever it relates to real estate, in the clerk's or register's office of the proper county or counties, in the same manner and with like effect as other receipts and discharges may now be recorded therein.

All releases, agreements, assignments, &c., declared valid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXIII.

A Supplement to the act entitled "An act for the punishment of crimes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the owner or owners in fee of any mortgaged premises, or any tenant or tenants under him, her or them, shall wilfully remove, tear down or destroy any dwell-

Penalty if owners in fee of mortgaged premises or tenants under him shall wilfully remove, tear down or destroy any dwell-

ing house, shop,
&c., after fore-
closure proceed-
ings have been
commenced.

or destroy or aid, counsel, procure or consent to the removing, tearing down or destroying any dwelling house, shop, warehouse, storehouse, mill, barn, stable, wagon house, outhouse or other building whatsoever erected upon said mortgaged premises, or any of the fencing thereon, or shall cut down and remove the growing timber with the intent to cheat, wrong or defraud the parties holding encumbrances after foreclosure proceedings have been commenced against the same, and a subpoena legally served upon such owner or tenant, without having first obtained the written consent of the complainant in such suit, and of all other persons holding encumbrances against said mortgaged premises, or the written consent of the chancellor, or of one of the justices of the supreme court, if foreclosure be commenced in the circuit court, upon petition for that purpose; he, she or they so offending shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding five hundred dollars, or by imprisonment, at hard labor, for any term not exceeding one year, or both.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXIV.

A Further Supplement to an act entitled "An act to provide for the incorporation and regulation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Elections to be
held by stock-
holders.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all elections of directors of any joint stock insurance company whose object is to assist its sick or needy members or to aid in defraying funeral expenses of deceased members and make provision for the families, existing under the laws of this state,

organized under special charter, or under the act to which this is a further supplement shall be by the stockholders of such company, and no policy holder or person insured in such company shall be entitled to vote at such elections, unless such policy holder or person insured shall also be a stockholder in such company. Policy holders not entitled to vote.

2. *And be it enacted*, That all acts and parts of acts, Repealer. general and special, inconsistent with this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall be taken and deemed to be a public act, and shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXV.

An Act to regulate the rate of passenger fares on railroads doing business under special charters granted by the legislature of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any railroad company doing business in this state, under a special charter, to charge more than three and a half cents per mile for carrying each passenger, and any ticket except excursion tickets shall be good until used, but no charge shall be required in the aggregate to be less than ten cents; *provided*, that nothing in this act shall be construed to affect an act entitled "An act to authorize railroad companies to charge and collect an excess of ten cents where fare is paid in the cars." Rates of fare and tickets good until used. Proviso.

2. *And be it enacted*, That so much of all acts in relation to passenger fares on railroads, whether public or private, heretofore granted by the legislature of this state, that come in conflict with the provisions of this act are Repealer.

hereby repealed, and that this act shall be deemed and taken as a public act and shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXVI.

A Further Supplement to the act entitled "An act for the relief of soldiers and sailors of this state in the war of one thousand eight hundred and twelve," approved March twelfth, one thousand eight hundred and seventy-four, and the supplement thereto approved April fifth, one thousand eight hundred and seventy-eight.

Preamble.

WHEREAS, The legislature of the state of New Jersey did order to be paid to the soldiers and sailors who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors, the sum of one hundred dollars in equal semi-annual payments during their lifetime, from and after the twelfth day of March, one thousand eight hundred and seventy-four; *and whereas*, the congress of the United States did pass an act giving said soldiers and sailors and the widows of any such soldiers and sailors a pension from and after the ninth day of March, one thousand eight hundred and seventy-eight; *and whereas*, there are a few soldiers and sailors and widows of such soldiers and sailors of the war of one thousand eight hundred and twelve, through not knowing of the passage of the said act of March twelfth, one thousand eight hundred and seventy-four, have not received any pension of the state of New Jersey, though justly entitled to the same; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dol-

lars be paid to all soldiers and sailors and the widows of any such soldiers and sailors of the war of one thousand eight hundred and twelve for each year, to commence from the twelfth day of March, one thousand eight hundred and seventy-four, to the ninth day of March, one thousand eight hundred and seventy-eight, or to the day of their pension, who have not received such pension, which they were justly entitled to under the said act of March twelfth, one thousand eight hundred and seventy-four.

Pensions to be paid to soldiers and sailors, and widows of the war of one thousand eight hundred and twelve.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall be deemed a public act and take effect immediately. Repealer.

Approved March 3, 1880.

CHAPTER LXVII.

A Supplement to an act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act for the relief of citizens on the line of any railroad that has or may hereafter fail or neglect to operate," approved February twelfth, one thousand eight hundred and seventy-four, which now reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any railroad company in this state has or may hereafter fail or neglect to run daily trains on any part of its road for the space of ten days, then the chancellor of this state, upon petition of any citizens of this state, and due proof of the facts, shall speedily appoint a receiver, which said receiver, by order of the chancellor, shall be and is hereby empowered and

Section to be amended recited.

required to take possession of all the real and personal property of said company, and to operate said road and transact the ordinary business thereof in the transportation of freight and passengers, for such time as the chancellor may direct, and all expenses incurred thereby shall be a first lien on all the earnings thereof prior to any other claim, and the surplus, if any, be distributed as the chancellor may direct," shall be amended so as to read as follows :

Section as amended.

Upon failure to run trains, chancellor may, upon petition of citizens, appoint a receiver.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any railroad company in this state has or may hereafter fail or neglect to run daily trains on any part of its road for the space of ten days, then the chancellor of this state, upon petition of any citizen of this state, and due proof of the facts, shall speedily appoint a receiver, which said receiver, by order of the chancellor, shall be and is hereby empowered and required to take possession of all the real and personal property of said company, and to operate said road, and transact the ordinary business thereof in the transportation of freight and passengers for such time as the chancellor may direct; and all expenses incurred thereby shall be a first lien on all the earnings thereof prior to any other claim, and the surplus, if any, be distributed as the chancellor may direct; *provided*, that this act shall not apply to any railroad company whose road is constructed at any seaside resort, not exceeding four miles in length, and which was built and intended merely for the transportation of summer travellers and tourists.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXVIII.

A Further Supplement to an act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, anno domini one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the different county insane asylums heretofore established, or which may be hereafter established, by the boards of chosen freeholders of said counties, in all cases in which by the laws of this state, the expense of the maintenance, charge, and care of an insane pauper in the state lunatic asylums, now is made chargeable to any of said counties, or shall hereafter be made so chargeable, it shall be lawful after the insanity of the pauper shall be ascertained in the manner prescribed by the provisions of the act entitled "An act for the organization of the state lunatic asylum, and for the care and maintenance of the insane," approved February twenty-third, one thousand eight hundred and forty-seven, and the supplements thereto, to place such insane pauper in the asylums of said counties, respectively, at their expense, there to remain for the length of time set forth in the said act and the supplements thereto.

Insane paupers may be placed in county asylums.

2. *And be it enacted*, That in all cases where, by the laws of this state, a person in indigent circumstances, not a pauper, becomes insane and application shall be made in his behalf in the mode and manner prescribed by the act last aforesaid and the supplements thereto, it shall be lawful to place such person in the county asylum of the county where he resides, for the length of time in the said act and supplements expressed, if such person be chargeable to said county.

Insane persons may be placed in the asylum of the county where he resides.

3. *And be it enacted*, That the said boards of chosen freeholders of said county, respectively, may, in their

Chosen freeholders may receive patients in their counties for pay.

discretion, receive insane patients in said asylums, respectively, for pay, under such regulations as they may prescribe, the proceeds of which pay shall be expended the direction of said boards towards the support of under said county asylums, respectively.

Board of free-holders authorized to establish by-laws for regulating the appointment of wardens, &c., and the admission of patients.

4. *And be it enacted*, That the said boards are hereby authorized to establish such by-laws as they may deem necessary and expedient, for regulating the appointment of the superintendent or warden, and such other officers as they may deem necessary, but subject to removal at any time by a vote of two-thirds of the members of the board, for fixing the terms of admission, support, and discharge of patients, and for conducting in a proper manner the affairs and business of said asylums; and to ordain and enforce a suitable system of rules and regulations for the internal government thereof; and they shall fix the compensation of said officer or officers which compensation and all expenses and charges incurred in the erection, purchase, or hiring of buildings, furnishing the same, and maintaining and conducting the said asylums, shall be paid by the county collectors of said counties, from funds raised or to be raised by taxation, as other county expenses are raised and paid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXIX.

An Act to authorize the issuing of bonds to fund the floating debt of incorporated towns.

Incorporated towns authorized to issue bonds to fund their floating indebtedness.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of any incorporated town now existing in this state, whose chief executive officer is a mayor, for

the purpose of funding the floating debt that existed on the first day of January, one thousand eight hundred and eighty, in any such incorporated towns, for that purpose to issue bonds in the corporate name and under the corporate seal of any such town, signed by the mayor, countersigned by the chairman of the committee on finance and attested by the clerk of such town, to be denominated on their face "funding bonds," for an amount not exceeding the amount of the floating debt of any such town on the first day of January, one thousand eight hundred and eighty; such bonds may be registered or coupon bonds and shall bear a rate of interest not exceeding the legal rate at the time of issuing the same, payable half yearly, which bonds shall be of the denomination of not less than fifty nor more than five thousand dollars, and shall be redeemable at any time and in such instalments, not exceeding fifteen years from their date, and at any place within this state that the common council shall direct, and may be sold at public or private sale for the best price that can be obtained for the same, but shall not be for less than par value; and all the real estate and property within any such incorporated town shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

2. *And be it enacted*, That the common council or board of finance and taxation of any town that shall issue bonds under the provisions of this act, shall in order to redeem such bonds at their maturity, provide by taxation for the payment of said bonds and the interest thereon, and shall yearly and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner that other taxes in any such towns are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and discharge the principal at the several times it shall become due and payable.

Payment of
bonds and inter-
est to be provided
by taxation.

3. *And be it enacted*, That this act shall not apply to cities or townships, nor shall it apply to any incorporated towns that do not have a mayor for the chief executive officer.

Act not to apply.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXX.

A Supplement to "An act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the tenth section of the act to which this is a supplement, and which section, as amended by chapter ninety of the laws of one thousand eight hundred and seventy-six, reads as follows:

Section to be
amended recited.

"10. *And be it enacted*, That it shall and may be lawful for any three or more persons to associate themselves into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, the transportation of goods, merchandise or passengers, upon land or water, inland navigation, the building of houses, vessels, wharves or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the damming of rivers and streams, including the storage, transportation and sale of water, and water-power and privileges, with the right to take rivulets, raceways and lands, and erect and maintain dams, reservoirs, raceways, mills, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof, the making, purchasing and selling manufactured articles, and also of acquiring and disposing of rights to make and use the same, the renting buildings and steam or other power therewith, the cutting and digging peat, stone, marl, clay, or other like substance, and dealing in the same, manufactured or unmanufactured, or any wholesale or retail mercantile business, or any lawful business

or purpose whatever, upon making and filing a certificate in writing of their organization, in manner hereinafter mentioned; *provided*, that nothing herein contained shall be construed to authorize the formation of any insurance company, banking company, savings bank, or other corporation intended to derive profit from the loan and use of money, nor of any railroad company, turnpike company, or any other company which shall need to possess the right of taking and condemning lands, except for the damming of rivers and streams, and for purposes pertaining thereto, as hereinbefore specified; *and further provided*, that this act shall not apply to any river or stream of a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide water in the same," be and the same is hereby amended to read and be in the following words, to wit:

10. *And be it enacted*, That it shall be lawful for three or more persons to associate themselves into a company to carry on any kind of manufacturing, mining, chemical, trading or agricultural business, agricultural fairs and exhibitions for the encouragement of competition in agriculture, horticulture, breed of stock and development of speed in horses, the transportation of goods, merchandise or passengers, upon land or water, inland navigation, the building of houses, vessels, wharves or docks, or other mechanical business, the reclamation and improvement of submerged lands, the improvement and sale of lands, the constructing, maintaining and operating (except in a town or city in which water works are established and owned by the corporate authorities) works for the special purpose of supplying water for extinguishing fires in mills, factories, manufacturing establishments and other buildings, the damming of rivers and streams, including the storage, transportation and sale of water, and water-power and privileges, with the right to take rivulets, raceways and lands, and erect and maintain dams, reservoirs, raceways, mills, manufactories and other erections, and lease, mortgage, sell and convey the same, or any part thereof, the making, purchasing and selling manufactured articles, and

Section amended recited.

Three or more persons may associate themselves into a company upon filing certificate, &c.

also of acquiring and disposing of rights to make and use the same, the renting buildings and steam or other power therewith, the cutting and digging peat, stone, marl, clay, or other like substance, and dealing in the same, manufactured or unmanufactured, or any wholesale or retail mercantile business, or any lawful business or purpose whatever, upon making and filing a certificate in writing of their organization, in manner hereinafter mentioned ; *provided*, that nothing herein contained shall be construed to authorize the formation of any insurance company, banking company, savings bank, or other corporation intended to derive profit from the loan and use of money, nor of any railroad company, turnpike company, or any other company which shall need to possess the right of taking and condemning lands, except for the damming of rivers and streams, and for purposes pertaining thereto, as hereinbefore specified ; *and further provided*, that this act shall not apply to any river or stream of a less width and volume of water than the Delaware river, ordinarily, at Phillipsburg, in this state, below its junction with the Lehigh, nor to any river or stream below the head of tide water in the same.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXI.

A Further Supplement to the act entitled "An act respecting railroads and canals" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Railroad corporations may construct branch railroads to connect with each other.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the railroads of any railroad corporations existing by or organized under

any law of this state shall intersect or cross each other, or shall approach each other within a distance of one mile, and such corporations shall agree to connect their said railroads with each other, it shall be lawful for either corporation to determine upon constructing a branch railroad or railroads so as to effect such connection, and, having first filed a map and survey of such branch railroad or railroads in the office of the secretary of state to acquire, by purchase or by condemnation in the manner prescribed by its charter, such land as shall be necessary for such branch connecting railroads, and for that purpose all such powers as shall be contained in its charter or conferred otherwise by law shall be fully possessed by and belong to each of such corporations; *provided*, that all proceedings for such condemnation shall be according to said charters, with all rights of appeal and review thereby given; *provided further*, that in no case shall any connection be made without mutual consent in writing under seal of such corporations.

Map and survey
to be held.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXII.

A Supplement to an act entitled "An act respecting the court of chancery," approved March twenty-seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the forty-eighth section of the act to which this is a supplement, which section reads as follows:

"48. *And be it enacted*, That if the complainant shall not attend at the time appointed for the hearing of the cause, his bill shall be dismissed with costs," be amended to read as follows:

Section to be
amended recited.

Section as amended.
If complainant do not attend at the hearing, decree may be made in favor of defendant or bill dismissed with costs.

48. *And be it enacted*, That if the complainant shall not attend at the time appointed for the hearing of the cause, the bill, answer, replication, documents, examinations and proofs shall be read on the part of the defendant or defendants, and the court thereupon may decree in favor of the defendant or defendants, or complainant or complainants, as the case may require, or may dismiss complainant's said bill with costs.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXIII.

A Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' courts and surrogates."

Persons not residents applying for probate of will, to give bond.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any person or persons applying for the probate of any will shall reside out of the state of New Jersey, it shall be the duty of the orphans' court or surrogate to whom such application shall be made; before granting the same or letters testamentary thereon, to take from such person or persons a bond with security for the faithful administration of the estate of the testator, in the same manner as is now required by law in the case of administrations, with the will annexed; and in case any bond given under this act shall become forfeited, it may be prosecuted in the same manner that bonds given by administrators may be prosecuted; *provided*, that nothing in this act contained shall prevent the granting of letters testamentary on the estate of any deceased person to a non-resident executor or executors, without security, in cases where the will provides that no security shall be required of

Bond how prosecuted.

Proviso.

the person or persons named as the executor or executors therein.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXIV.

An Act to amend an act entitled "An act for the establishment of workhouses in the several counties in this state," passed February twentieth, one thousand seven hundred and ninety-nine.

WHEREAS, The constitution of the United States provides Preamble. that "neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction;" therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifth and sixth sections of the act of which this act is amendatory, and which are in the words following, to wit:

"5. *And be it enacted*, That it shall be lawful for any Section repealed. justice of the peace to commit to the said workhouse to hard labor, any stubborn, disobedient, rude or intemperate slave or male servant, on complaint of his or her master or mistress; and also, after due investigation of such complaint, to order such person to be punished by such confinement and labor as the said justice shall think reasonable.

"6. *And be it enacted*, That when any servant or slave Section repealed. of the description specified in the preceding section, shall be sent to such workhouse, the master or mistress shall pay for the food and diet of his or her servant or slave

such reasonable compensation as the said corporation shall fix," be and the same are hereby repealed.

Approved March 3, 1880.

CHAPTER LXXV.

An Act to encourage the production and treatment of fibres in this state.

Preamble.

WHEREAS, There are ample assurances that the soil and climate of this state are adapted to the cultivation of jute, ramie, flax, hemp and various other fibrous plants and grasses, which are extensively grown in other countries, and largely imported into the United States; *and whereas*, the development of new productive industries are of essential benefit to the public welfare; therefore,

Treasurer
authorized to
pay bounties,
upon vouchers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That with the view to stimulate individual effort in the cultivation of fibrous plants, that the treasurer of this state be hereby authorized to pay the following bounties, upon vouchers duly receipted by the payee, setting forth the quantities and prices of the products grown by him or them, whose affidavit of their truthfulness shall be first affixed to the said vouchers, and be attested by the clerk of the county in which the products are grown; and moreover, the said vouchers shall be certified by the chief of the bureau of labor and industries of this state;

Vouchers to be
certified.

I.—JUTE.

Bounty for rais-
ing jute.

For every ton of two thousand pounds of abutilon avicennae stalks grown in New Jersey, not less than three feet long, five dollars; for every ton of two thousand pounds of what is known as rose, or marsh-mallow, not less than three feet long, and not more than one inch in

diameter at the butt, five dollars; fractions of not less than a quarter ton in each case will be paid for at same rate; for every pound of marketable quality of disintegrated jute, two and a half cents;

II.—RAMIE.

For every ton of two thousand pounds of ramie stalks not less than two and a half feet long, ten dollars; fractions of not less than a quarter ton will be paid for at the same rate; for every pound of disintegrated ramie ready for combing, five cents; for every pound of ramie yarn ready to weave, ten cents;

III.—FLAX.

For every ton of two thousand pounds of flax stalks for fibre of the ordinary lengths, seven dollars; fractions of not less than a quarter ton will be paid for at same rate; for every pound of decorticated or cleaned flax of first American quality, three and a half cents;

IV.—HEMP.

For every ton of hemp stalks of two thousand pounds, of the ordinary length, six dollars; fractions of not less than a quarter ton will be paid for at same rate; for every pound of decorticated or cleaned hemp, of best American quality, three cents, *provided*, that the bounties hereby authorized shall cease on the first day of April, one thousand eight hundred and eighty-five; *and provided further*, that in no event shall the total amount expended in the form of bounties under this act, exceed the sum of fifteen thousand dollars, to be apportioned as follows: five thousand dollars to be awarded to the enumerated stalks; five thousand dollars to the enumerated cleaned fibre, and five thousand dollars to the ramie yarn.

2. *And be it enacted*, That it shall be the duty of the chief of the bureau of labor and industries to certify the vouchers referred to in the first section of this act, and to have the general supervision, control and decision of all

Bounty for raising ramie.

Bounty for raising flax.

Bounty for raising hemp.

Proviso.

Proviso.

Chief of bureau of labor and industries to certify vouchers and have general supervision, &c.

questions which may arise pursuant to the provisions of this act.

Treasurer
authorized to
pay money.

3. *And be it enacted*, That the treasurer of this state is hereby authorized to pay any money in the treasury not otherwise appropriated, in pursuance of the provisions of this act.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXVI.

An Act to legalize certain newspapers, the issues of which have been temporarily suspended.

Preamble.

WHEREAS, The publication of certain newspapers in this state has been temporarily suspended; *and whereas*, such temporary suspension has been considered a bar to their right to publish the state and other legal printing; therefore,

Temporary sus-
pension of news-
papers not to in-
validate their
legal age.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such temporary suspension shall not be regarded as an invalidation of the legal age of said newspapers, but that upon their resumption of publication, within six weeks of their suspension as aforesaid, such papers shall be considered, as to age, as dating from their first publication, and they shall be as fully entitled to the state and other legal printing the same as though such suspension had never occurred.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXVII.

An Act validating oaths taken before masters in chancery and notaries public in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any official oath authorized by any law of this state, general, special or local, to be taken and subscribed before a justice of the peace of this state, which may have been taken and subscribed before a master in chancery or notary public of this state, shall be deemed as valid and effectual for all purposes as if taken and subscribed before a justice of the peace. Official oaths declared valid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXVIII.

An Act relative to the distribution of the laws of this state, and other documents published under the authority thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the treasurer of the state, in the distribution of the laws, law and equity reports, the minutes and proceedings of either branch of the legislature, and other documents published under the authority or patronage of this state, and in his hands from time to time for distribution, shall transmit at the expense of the state to the librarians of the theological Treasurer authorized to distribute laws and documents to certain libraries.

seminary, at Princeton, in this state, and at New Brunswick, for said libraries, one well bound copy of each of said publications.

Copy of laws
and documents,
&c., to be dis-
tributed, to
libraries.

2. *And be it enacted*, That the said treasurer shall also forthwith transmit to each of said librarians for said libraries, at the expense of the state, one copy each of the laws, law and equity reports and other documents of the nature referred to in preceding section, either bound or unbound, and heretofore published under the authority or patronage of the state and in his hands, as may be spared or furnished without inconvenience.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXIX.

A Further Supplement to an act entitled "An act for the better regulation of proceedings upon writs of mandamus," passed the second day of December, one thousand seven hundred and ninety-four.

What court may
do upon applica-
tion for writ of
mandamus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever application is made for a writ of mandamus to require a municipal corporation to raise, by taxation, any judgment against it, the court to which such application is made, shall, at the request of such municipal corporation, upon a rule to show cause, or upon affidavits taken on due notice, or otherwise, in such manner as the court shall prescribe, ascertain and determine:

To ascertain the
total indebted-
ness.

I. The total indebtedness of such municipal corporation, the time when payable and the rate of interest payable thereon;

The valuation of
property.

II. The real value for purposes of taxation of the taxable property within such corporation;

III. The amount required to be raised within such corporation for necessary expenses for municipal and other purposes during the current year; and

IV. The highest rate of taxation capable of being imposed on such corporation without injury to the interests of the creditors of the corporation whose claims are not yet due.

2. *And be it enacted*, That it shall not be lawful to require any municipal corporation by mandamus to raise for any such judgment, in any one year, more than such sum as, in addition to the amount found to be required for necessary expenses as aforesaid, will be raised in such municipal corporation by imposing the highest rate of taxation as determined in the manner aforesaid, and any sum ordered to be raised by taxation shall be included in the next annual tax levy for such municipal corporation.

3. *And be it enacted*, That the sum so ordered to be raised may be required to be paid into said court, and may be distributed by said court pro rata among creditors having judgments against said corporations, and who, during a time to be fixed by the court, shall apply to the court and make due proof of their judgments as required by said court.

4. *And be it enacted*, That if the sum so ordered to be raised shall not discharge all the claims so proved, the court shall have the power to make the same determination in the next year, and thereon to issue a mandamus in the same manner as is above provided, and so afterwards, until the sums so raised shall discharge the judgments so proved.

5. *And be it enacted*, That after one application is made for a mandamus against a municipal corporation to require it to raise by taxation any judgment against it, all subsequent applications, while the first is pending under this act, shall be consolidated with the first, and shall be treated and considered as made at one and the same time and be proceeded with in only one proceeding, and one writ of mandamus alone shall issue upon all the applications on which the court shall determine a writ should issue.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXX.

A Supplement to an act entitled "An act regulating proceedings in criminal cases," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, In carrying out the judgment of the court in capital cases, it may happen that the sheriff of the county in which the judgment is to be executed can more appropriately and efficiently perform his duties in executing such judgment by having the assistance of persons skilled in the mechanical duties connected therewith; therefore,

Sheriffs may call persons to assist him at executions.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which judgment of death is or may be given, the sheriff to whom the execution of the judgment is committed may call in to assist him in such execution one or more persons in addition to the number now allowed by law to be present, without reference to their places of residence, not exceeding three; *provided*, he shall deem their skill useful to him in the proper carrying out of such execution.

Proviso.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved March 3, 1880.

CHAPTER LXXXI.

An Act providing for the maintenance of the state industrial school for girls.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of six thousand dollars, be and is hereby appropriated for the maintenance of said state industrial school for girls, which the treasurer is directed to pay on the warrant of the comptroller. ^{Appropriation.}

2. *And be it enacted*, That the sum of fifteen hundred dollars be and is hereby appropriated for the purpose of erecting a brick dwelling house for the occupancy of the farmer, which the treasurer is directed to pay on the warrant of the comptroller. ^{Appropriation for brick dwelling house.}

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXXII.

An Act to amend an act entitled "An act to prescribe the notice to be given of application to the legislature for laws, when notice is required by the constitution," approved January twenty-sixth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of an act entitled "An act to prescribe the notice to be given of applications

to the legislature for laws, when notice is required by the constitution," approved January twenty-sixth, one thousand eight hundred and seventy-six, which reads as follows:

Section to be amended recited,

"3. *And be it enacted*, That after the session of the legislature now sitting, the notice required by the first section of this act shall be published at least once in each week, for four consecutive weeks, next preceding the day prescribed for the first assembling of the legislature in which such bill shall be introduced," shall be amended so as to read as follows:

Section as amended.

Notice required to be published.

3. *And be it enacted*, That the notice required by the first section of this act shall be published at least once in each week, for four consecutive weeks, next preceding the day on which such bill shall be introduced into the legislature.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXXIII.

An Act to authorize the erection of city halls in cities of this state which are not the owners of buildings used as such halls.

Mayor and common council authorized to erect a city hall.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state in which there is not any building, the property of such city, suitable for use as a city hall, the mayor and common council of such city are hereby authorized and empowered to erect a building suitable for use as a city hall, upon any lands owned by such city and heretofore donated and dedicated as a public square; *provided*, that in no case shall the cost of erecting and furnishing said building exceed sixty thousand dollars.

Proviso.

The building to be erected so as to furnish accommodation for

2. *And be it enacted*, That such mayor and common council may cause said building to be so erected as to

furnish accommodation for the public officers of said city, and such regiment or company of the national guard of this state as may be organized in said city; and said building may be so erected as to furnish all apartments necessary for the police regulation of said city.

3. *And be it enacted*, That to provide moneys necessary to carry this act into effect, such mayor and common council shall have power to issue bonds of such city to an amount not exceeding sixty thousand dollars, having not more than thirty years to run, and bearing interest at a rate not to exceed six per centum per annum, and to pledge the faith, credit and property of said city for the payment of the principal and interest thereof, and to provide for the redemption of said bonds by taxation.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXXIV.

A Supplement to an act entitled "An act authorizing the sale of lands granted or devised to religious societies in certain cases," approved March twenty-third, one thousand eight hundred and fifty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor may, upon due cause shown, order and direct the whole or any part of the proceeds of any sale of real estate had or to be had by virtue of this act, to be re-invested in other or more desirable real estate, to be held and owned by the religious society entitled to the same, in the same manner and subject to the same conditions and limitations as the real estate granted or devised to them.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 3, 1880.

CHAPTER LXXXV.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifty-second section of the act to which this is amendatory, and which reads as follows :

Section to be
amended recited.

" 52. *And be it enacted*, That as soon as the election shall be finished, all ballots which have been cast, whether the same have been estimated and canvassed or rejected for any cause, the poll list, the tally papers, the oaths or affirmations of the judges and inspectors and clerks, shall all be carefully collected and deposited in the ballot box ; and such ballot box, after being locked, shall be closely bound with tape and sealed by the judge and inspectors of election, and shall within one day thereafter be delivered by one of the inspectors to the clerk of the county, who shall keep such boxes containing the tickets and other documents ; and said clerk shall not take or open, nor permit to be taken or opened, any ballot box deposited as aforesaid for the space of six months after the same has been deposited as aforesaid, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election or take testimony regarding the same ; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited as aforesaid," shall be and the same is hereby amended to read and be as follows :

Section as
amended.
Ballots, oaths,
&c., to be de-
posited in ballot
boxes.

52. *And be it enacted*, That as soon as the election shall be finished, all ballots which have been cast, whether the same have been estimated and canvassed or rejected for any cause, the poll list, the tally papers, the oaths or affirmations of the judges, inspectors and clerks, shall all

be carefully collected and deposited in the ballot box; and such ballot box, after being locked and bound with tape and sealed, shall remain in the township under the care and in the custody of the township clerk, or, if in a ward of a city, in the custody of the clerk of the city, but the said clerk shall not have the keys of the said ballot box in his possession, until required for the next ensuing election, unless twenty freeholders, resident in such polling district and legal voters therein, by request in writing signed by them and delivered to the judge or one of the inspectors of election on or before the day of such election, request said ballot box to be removed to the clerk's office of said county, in which case said ballot box, after being locked as aforesaid, shall be closely bound with red tape and sealed by the judge and inspectors of election, and within one day thereafter delivered by one of the inspectors to the clerk of the county, who shall keep such boxes containing the tickets and other documents; and said clerk shall not take or open, nor permit to be taken or opened, any ballot box deposited as aforesaid for the space of six months after the same has been deposited as aforesaid, or until the time of the next town or general election, except when he shall be called upon by some court or other tribunal authorized to try the merits of such election or take testimony regarding the same; and after such trial or investigation, it shall be the duty of the clerk to have said box or boxes returned and deposited as aforesaid, the cost of delivering such ballot box to the clerk of the county, and of returning it to the township to which it belongs, to be paid by the treasurer of the township in which said election is held.

Ballot boxes to remain in custody of clerk of townships or cities.

Boxes may be removed to county clerk's office.

Boxes not to be removed.

To be returned.

Approved March 3, 1880.

CHAPTER LXXXVI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning roads'" (Revision), approved April sixteenth, one thousand eight hundred and forty-six, approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act, of which this is amendatory, and which is as follows :

Section to be
amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever ten or more persons being freeholders, shall think any alteration of any public road necessary in any part of the county wherein they reside, by having a portion of such road vacated, not exceeding in length six hundred yards, and the said road changed by relaying it in another place, (the road so relaid not to exceed six hundred yards) in length, they may make application to three of the surveyors of the highways of said county, one of whom shall be a surveyor of the highway of the township wherein the portion of the road proposed to be changed shall be situated, (unless the road to be vacated or relaid shall run through his land, in which case a surveyor of any adjoining township may be selected in his stead), the other two surveyors to be taken from the surveyors of the highways of two of the adjoining townships, by public notice in writing signed by said freeholders and put up in three public places in the township where the said road so proposed to be changed or altered is situated ; which notice shall contain a description of the portion of road proposed to be vacated and a general description of the road proposed to be laid out in lieu of the one so vacated, and shall name a day and hour not less than ten days from the putting up of said notice, and when they will

apply to one of the judges of the court of common pleas of said county at his chambers, (giving also the name and residence of said judge), for the selection and appointment of said three surveyors of the highways as aforesaid, which judge upon due proof being made to him of the putting up of said notices as required by this act, without any further application than a copy of the notice so as aforesaid put up, is hereby authorized to make such selection and appointment from the acting surveyors of the highways, as aforesaid, by an order under his hand, which order shall name the said surveyors and the township wherein they severally reside, and shall fix the time and place of meeting of said surveyors, and for so doing he shall receive the sum of one dollar," shall be and hereby is amended, so that the said section shall read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever six or more persons being freeholders residing in the township shall think any alteration of any public road necessary in any part of the county wherein they reside, by having a portion of such road vacated, not exceeding in length six hundred yards, and said road changed by relaying it in another place, (the road so relaid not to exceed in length six hundred yards), they may make application in writing to one of the judges of the court of common pleas of the county wherein said portion of said road lies, at his chambers, for the appointment of three surveyors of the highways, one of which shall be from the township in which that portion of road to be vacated lies; of which application to said judge, the said applicants shall give at least ten days' notice of the time and place when, and the name and residence of the judge before whom said application is to be made by putting up written notice thereof, signed by themselves, and put up in three of the most public places in the said township, in which the said road to be vacated lies; which notice shall contain a description of the portion of the road proposed to be vacated, and a general description of the road proposed to be laid out, in lieu of the one so vacated, and upon proof being made to the said judge of the putting up of said notices, he shall thereupon appoint three sur-

Section as amended.

Vacation and relaying of road to be made on application of freeholders to court of common pleas.

Notice of application to be given.

Notice to contain description of position of road proposed to be vacated and laid out.

veyors of the highways as aforesaid, by an order in writing under his hand; and shall in and by said order fix the time and place of meeting of said surveyors, and for so doing he shall receive the sum of one dollar; *provided, nevertheless*, and it is hereby further enacted, in order to save the expenses, necessarily attendant both to applicants and townships, upon the vacation of roads, that whenever any road which has heretofore been laid out by the surveyors of the highways according to law, or any portion of such road, shall have been unused for public travel for a period of not less than five years, then and in such case the said road or such portion thereof as shall have been unused for public travel for the term aforesaid, shall be and hereby is declared to be vacated; *provided*, the owners of the lands on both sides of said road or of said portion thereof unused as aforesaid, shall file in the office of the clerk of the county where such road or such portion of road lies, their assent in writing to said vacation.

2. *And be it enacted*, That so much of the seventh section of the said act of which this is amendatory, as excepts the counties of Sussex and Somerset from the operation of said act, be and the same is hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER LXXXVII.

An Act authorizing the incorporated cities and towns of the state to pay their firemen and policemen, disabled while in the discharge of their public duties, a reasonable compensation during the time they are so disabled.

Compensation to
disabled firemen,
&c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any fireman or policeman of any incorporated city or town of

this state is disabled while in the discharge of his public duties, it shall be lawful for the common council, board of aldermen, finance committee, or other governing body of such city or town, to pay such person so disabled as aforesaid, during the time he is so disabled, such compensation, including medical attendance, as said common council, board of aldermen, finance committee, or other governing body of such city or town shall deem reasonable and proper, on the certificate of a physician describing disabilities.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER LXXXVIII.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where by the provisions of any act of incorporation of any city or any act to revise and amend the charter of any city in this state, the city council of any such city shall have authority to pass ordinances on any subject, and prescribe penalty or penalties for the violation thereof, either by imprisonment in the county jail not exceeding ten days, or by a fine not exceeding one hundred dollars, it shall and may be lawful for any such city council in passing an ordinance, to prescribe the maximum penalty or penalties, to be imposed either by imprisonment in the county jail not exceeding ten days or by a fine not exceeding one hundred dollars, or both, and that the magistrate before whom such offence or offences may be cognizable shall have discretion in imposing such penalty or penalties, but not to exceed the maximum penalty or penalties prescribed in the ordinance.

City council may
pass ordinances
and prescribe
penalties.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER LXXXIX.

An Act concerning cities in this state.

Parties furnish-
ing supplies for
use of the poor
may recover com-
pensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever supplies for the use of the poor of any city in this state have been furnished to and accepted by the municipal authorities of said city, the party or parties supplying the same shall be entitled to recover compensation therefor, notwithstanding the fact that such supplies were ordered and furnished in excess of any fiscal appropriation made for the benefit of the poor in said city.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER XC.

A Supplement to an act entitled "Supplement to an act concerning bridges and turnpikes," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to an act concerning bridges and turnpikes, approved March

twelfth, one thousand eight hundred and seventy-eight, which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike road, or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county of this state for public use, as provided in the act to which this is a supplement, shall be thereafter deemed and taken to be a county road of said county, and as such shall be graded, regulated, worked, repaired, maintained and kept up at the cost and expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now generally fixed or appropriated in said county; and it shall be lawful for said board of freeholders to raise said amount by taxation, in the same manner as other county taxes are raised; *provided, however*, that whenever there exists in any county of this state a county workhouse or prison for the convicts of said county, said road shall be graded, regulated, worked, repaired and maintained as far as possible by the prison or convict labor of said county," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any turnpike road or any part thereof, in any county of this state, the title to and right of possession of which has been or shall be acquired by, or has or shall become vested in any board of chosen freeholders of any county of this state for public use, as provided in the act to which this is a supplement, shall be thereafter deemed and taken to be a county road of said county, and as such shall be graded, regulated, worked, repaired, maintained and kept up at the cost and expense of said county, and as the board of freeholders of said county shall order and direct, and the sum necessary therefor shall be fixed or appropriated by said board of chosen freeholders in the same manner as amounts to pay county expenses are now generally fixed

Section to be amended recited.

Section as amended.
Title to any turnpike, road, &c. vested in board of chosen freeholders to be deemed and taken as a county road.

or appropriated in said county ; and it shall be lawful for said board of freeholders to raise said amount by taxation, in the same manner as other county taxes are raised ; *provided, however*, that whenever there exists in any county of this state a county workhouse or penitentiary for the convicts of said county, said road shall be graded, regulated, worked, repaired and maintained as far as possible by the prison or convict labor of said county ; *provided further, however*, that the provisions of the act to which this is a further supplement shall not apply to any county not having a county workhouse or penitentiary.

Proviso.

Proviso.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, so far as the same may conflict with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER XCI.

A Supplement to an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one, four and six of the act to which this is a supplement, which reads as follows :

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting, to vote for and determine an amount of money to be raised by tax for a fire appropriation ; *provided, however*, that the number of inhabitants in such township shall be not less than three thousand

five hundred, as ascertained by the last census preceding such vote and determination, taken under the authority of the United States or of this state," be amended so it shall read as follows :

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township in this state it shall be lawful for the legal voters, at any regular annual town meeting, to vote and determine an amount of money to be raised by tax for a fire appropriation. Section as amended.
Legal voters to determine amount of money to be raised.

"4. *And be it enacted*, That the township committee shall adopt such rules and regulations, altering and amending the same from time to time as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; shall designate and appoint the members of all fire companies and organizations, who shall be continued as such members during the pleasure of the committee; and shall designate the officers of such companies, or provide for their election by the members thereof, as they may find expedient; *provided*, that the provisions of this act shall not apply to counties in this state having by the last census a population of less than one hundred thousand inhabitants; *provided*, that this act shall not be construed to abolish or in any manner affect any fire company heretofore incorporated under the laws of this state," be amended so it shall read as follows :

4. *And be it enacted*, That the township committee shall adopt such rules and regulations, altering and amending the same from time to time as may be deemed necessary, respecting the use, management, care and custody of the township fire apparatus; shall designate and appoint the members of all fire companies and organizations, who shall be continued as such members during the pleasure of the committee; and shall designate the officers of such companies, or provide for their election by the members thereof, as they may find expedient; *provided*, that this act shall not be construed to abolish or in any manner affect any fire company heretofore incorporated under the laws of this state. Section as amended.
Rules and regulations.
Proviso.

"6. *And be it enacted*, That the legal voters of a district so organized shall meet annually on the second Thursday Section to be amended recited .

of March, at two o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of five directors, who, when elected, shall possess within said district all the rights and powers of the township committee under this act," be amended so it shall read as follows:

Section as
amended.
Election of
directors, &c.

6. *And be it enacted*, That the legal voters of a district so organized shall meet annually on the second Saturday of March, at two o'clock in the afternoon, and determine the amount of money to be raised for the ensuing year, and elect a board of five directors, who, when elected, shall possess within said district all the rights and powers of the township committee under this act.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and that this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER XCII.

An Act to amend an act entitled "An act authorizing the counties of this state to renew matured and maturing bonds," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act authorizing the counties of this state to renew matured and maturing bonds," approved March fourteenth, one thousand eight hundred and seventy-nine, which now reads as follows:

Section to be
amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may

renew seventy-five per centum of such indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding ten years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall have coupons attached for every year's interest until due, and which coupons shall be signed by the director of said board and attested by the clerk thereof, and numbered to correspond with the bond to which they shall be respectively attached, and all the bonds issued under this act shall be numbered and a register of such numbers, and the date of issuing, and the time of payment shall be made by the county collector or clerk of the said board of chosen freeholders, in a book to be provided for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value; and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but nothing in this act contained shall be held to permit any board to issue bonds, the legality of which is now questioned or contested in any court of this state or of the United States, nor shall it be held to interfere with or affect the renewal of bonds renewed by virtue of the provisions of any special act heretofore passed," be and the same is hereby amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly of* Section 32 amended.
the State of New Jersey, That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall hereafter become due, the board of chosen freeholders of any such county may renew ninety per centum of said indebtedness, or any

Ninety per cent of indebtedness may be renewed by issuing bonds.

less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of any such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding six per centum per annum, and be issued in such sums not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and which coupons shall be signed by the collector of said county, and numbered to correspond with the bond to which they shall be respectively attached; and when the said board judge best, said bonds, or any of them may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose, and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing, and name of person to whom issued, if registered, and time of payment, shall be made by the collector, in a book to be provided by said board for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value; and all the real estate and property within the county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act, but nothing in this act contained shall be held to permit any board to issue bonds, the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or reissue bonds held by any such court not to have been legally issued.

Rate of interest.

Not to be sold at less than par value.

May not issue bonds in certain cases.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER XCIII.

A Supplement to "An act to authorize cities to issue bonds to fund obligations incurred for street improvements," approved March ninth, one thousand eight hundred and seventy-seven, extending the provisions thereof to incorporated townships and boroughs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of paying certificates of indebtedness which have been duly issued by any incorporated township or borough in this state, for street improvements, in anticipation of the collection of the assessments therefor, or for the costs and expenses of making street improvements which can not be assessed on lands specially benefitted by such improvement or improvements, and for the payment of judgments against such township or borough and for the costs, damages, interest and expenses incurred in and on account of such improvements, it shall be lawful for the board of township committee, or other governing body of said township or borough to issue either the registered or coupon bonds of such township, to be styled "township or borough of _____ improvement bonds," to such an amount as such board or governing body shall by ordinance determine, not, however, to exceed in the aggregate the amount of outstanding and unpaid certificates of indebtedness, judgments, costs, interest and expenses against such township or borough for such street improvements, such bonds shall be sealed with the corporate seal of such township or borough, signed by the chairman of said board of township committee, or governing body, and countersigned and registered by the clerk thereof, and made payable in not less than three nor more than ten years from the date thereof, and shall bear interest at six per centum per annum, pay- Authorized to issue bonds to pay certificates of indebtedness, costs and expenses of street improvements, judgments, &c. Rate of interest.

Proviso.

able semi-annually ; *provided, however*, that no note or certificate of indebtedness, the validity of which against such township is now in question in any of the courts of this state, nor the amount thereof, nor any portion of the same shall be included in the estimate of indebtedness of such township, nor shall any bond be issued to pay or to raise money to pay the same or any part thereof.

Bonds not to be sold at less than par, and proceeds of sale how applied.

2. *And be it enacted*, That the bonds authorized by section one of this supplementary act shall be negotiated or sold at public or private sale at not less than the par or the face value thereof, and the proceeds of such negotiations and sales promptly appropriated and applied to the retirement, payment and cancellation of the certificates, judgments, costs, interest and expenses mentioned in section one of this supplementary act, and to no other purpose whatever.

Moneys collected for assessments for street improvements pledged to payment of bonds.

3. *And be it enacted*, That all moneys collected and received as principal and interest for and on account of assessments for any street improvements for which such bonds are issued, are hereby pledged and appropriated for the payment of the principal and interest of the bonds hereby authorized to be issued ; and all sums of money or balance over and above the amount necessary to pay the interest and principal of said bonds, at maturity, as aforesaid, or that cannot be vested in the purchase of said bonds at par before maturity, shall be safely invested in some readily convertible securities and applied to the payment of said bonds when the same shall become due and payable.

Committees to fix and determine annually money necessary to be raised by taxation to pay interest and principal.

4. *And be it enacted*, That it shall be the duty of the township committee or other governing body of said township or borough, and such committee or other governing body of said township or borough is hereby authorized and empowered by resolution to fix and determine annually on or before the second Tuesday in May in each year, how much money is necessary to be raised by taxation, to pay the interest on such bonds, and the principal of such bonds as fall due within one year from the time of adopting such resolution, and to order such sum to be assessed and collected for the purpose aforesaid ; a copy of which resolution shall be served by the township clerk on the township assessor of such township,

and thereupon the sum so ordered to be raised shall be assessed upon all the ratables and taxable property in such township, and collected in the same manner and at the same time that other township taxes are assessed and collected; and the money so raised shall be applied to the payment of such principal and interest falling due ^{Money raised by taxation how applied.} and said bonds and to no other purpose.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER XCIV.

Supplement to "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all townships in this state in which overseers of the highways are elected at the annual town meetings, each person qualified to vote at town meetings shall, at their respective annual meetings hereafter to be held, vote but for one person to be overseer of the highways, in the road district in which such voter resides, which overseer of the highways shall be a resident of the road district for which he is elected. ^{Election of overseers of roads.}

2. *And be it enacted*, That in case of a vacancy in any of said road districts, by a tie vote, failure to elect, or from any other cause whatever, the township committee shall, within five days after said annual town meeting or such vacancy occurring, appoint some suitable person, who shall be a resident of the road district wherein said vacancy occurs, to fill such vacancy until next annual town meeting. ^{Township committee authorized to fill vacancies.}

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

CHAPTER XCV.

An act to protect children from neglect and cruelty, and relating to their employment, protection and adoption.

Penalty for ill-treating, abusing minors or neglecting to supply same with sufficient food, clothing, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person whatsoever who shall cruelly ill-treat, abuse, or inflict unnecessary cruel punishment upon any infant or minor child, and any person having the care, custody, or control of any minor child who shall willfully neglect to supply the same with sufficient food, clothing, regular school education, or who shall willfully abandon or neglect the same, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, magistrate or court of record, shall be fined by such justice, magistrate, or court of record not less than ten dollars nor more than fifty dollars for each offence.

Unlawful for custodians of children under 15 years to sell, give away, or employ them in certain occupations.

2. *And be it enacted*, That any person having the care, custody, or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away, or otherwise dispose of such child, and any person who shall take, receive, or employ such child for the vocation or occupation of rope or wire walking, or as an acrobat, gymnast, contortionist, or rider, and any person having the care, custody, or control of any minor child whatsoever who shall sell, apprentice, give away, or otherwise dispose of such child, or who shall take, receive, or employ such child for any obscene, indecent, or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor, or employ any

minor child in or about any assignation house or brothel, or in any place where any obscene, indecent, or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, magistrate, or court of record, shall be fined not less than fifty dollars nor more than one hundred dollars for each offence. Penalty.

3. *And be it enacted*, That any person having the care, custody, or control, lawful or unlawful, of any minor child under the age of eighteen years, who shall use such minor or apprentice, give away, let out, hire, or otherwise dispose of such minor to any person for the purpose of singing, playing on a musical instrument, begging, or for any mendicant business whatsoever, in the streets, roads or other highways of this state, and whosoever shall take, receive, hire, employ, use, or have in custody any such minor for the vocation, occupation, calling, service, or purpose of singing, playing upon musical instruments, or begging upon the streets, roads, or other highways of the state, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars. Unlawful for custodians of children under 18 years to let out, hire, or employ them in certain occupations. Penalty.

4. *And be it enacted*, That any person having the care, custody, or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away, or permit such child to sing, dance, act, or in any manner exhibit in any dance house whatever, or in any concert saloon, theatre, or place of entertainment where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passage-way or entrance, and any proprietor of any dance-house whatever, or any such concert saloon, theatre, or place of entertainment so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof, in the manner provided in the first section of this act, shall be fined not less than fifty dollars nor more than one hundred dollars for each offence. Unlawful for custodians of children under 15 years to permit or employ them in certain occupations. Penalty.

Unlawful for custodians of children under 12 years to permit or employ them in certain occupations.

Penalty.

Offenders for violating this act may be arrested upon warrant.

Orphans' court may appoint guardians for minors or place them in asylums.

Court may order parent to pay for maintenance.

5. *And be it enacted*, That any person who shall take, receive, hire, or employ any child under twelve years of age in any underground works or mine or like place whatsoever, shall be guilty of a misdemeanor, and upon conviction thereof in the manner provided in the first section of this act, shall be fined not less than ten dollars nor more than fifty dollars.

6. *And be it enacted*, That whenever any person shall, before a magistrate or justice of the peace, make oath or affirmation that the affiant believes that this act has been or is being violated in any place or house, such justice or magistrate shall forthwith issue a warrant to a constable or other authorized officer to enter such place or house and investigate the same, and such person may arrest or cause to be arrested all offenders and bring them before any justice, magistrate or court of record for a hearing of the case; and it shall be the duty of all constables and policemen to aid in bringing all such offenders before said authorities for a hearing.

7. *And be it enacted*, That whenever any person having the custody or control of any minor shall be convicted of a violation of any of the provisions of this act, it shall be lawful for any person to apply to the orphans' court of the county wherein the offence has been committed for the appointment of a proper guardian for the person of such minor, and the said court may in its discretion make any such appointment, having due regard in the selection of a guardian to the religious persuasion of the parent or former guardian, or it may place such child in an asylum or home for children, with the powers of a guardian of the person, as may be most expedient; and the said court may order the parent to pay such a reasonable sum towards the maintenance of such child, and at such times and in such amounts as the said court may see fit; and such courts may at any subsequent time, upon being satisfied that the parent has become a fit person to resume the custody of said minor, and upon reasonable security, to be fixed by the court, being given for the faithful observance of the provisions of this act, remand such minor to the custody of such parent, subject, nevertheless, to the obligation of any indentures or legal

engagements already entered into on behalf of said minor by his or her guardian.

8. *And be it enacted*, That any duly organized or incorporated humane society, having for one of its objects the protection of children from cruelty, may offer any agents or officers employed by them to the mayor of any city for the purpose of being commissioned to act as police officers through the limits of said city, for the purpose of arresting all the offenders against this act or any of the provisions thereof, whereupon the mayor in such city shall, if such persons are proper and discreet persons, commission them to act as such police officers, with all the rights and powers appertaining thereto; but no such city shall be liable in any way for the salary or wages of such officers, or for any expense whatever in relation thereto, except for the detention of prisoners; and in district or township not incorporated such humane society may offer similarly qualified persons to the court of common pleas of the county, whereupon such court, or any judge thereof, shall, if they be fit persons, commission such persons to act as constables, with power to arrest all offenders against this act or any provisions thereof; but no township, borough or county shall be in anywise liable for the salary or wages of any such officer, or for any expense in relation thereto, except for the detention of prisoners; all persons thus qualified under this section shall be deemed to be constables and authorized officers within the meaning of section six of this act, and the keepers of jails or lock-ups or station-houses in any of said counties are required to receive all persons arrested by such policemen or constables.

Officers and agents of humane societies may act as police officers and constables.

City or township not liable for salary of officers, &c.

9. *And be it enacted*, That whenever any person having the custody or control of any minor child shall be convicted of an assault and battery upon such child, or of any violation of the provisions of this act, it shall be lawful for the justice of the peace, magistrate, or court before whom such conviction has taken place, or where the parents or proper guardian of any child cannot be found, it shall be lawful for any magistrate or court to commit such child to the care and custody of any duly authorized or incorporated humane society within this state having for one of its objects the protection of children from

Children may be committed to care of any humane society.

cruelty, and such society shall thereupon have all the rights of a guardian of the person of such child ; but such society may at any time apply to the orphans' court of the proper county for the appointment of a guardian of the person or the commitment of such child to an asylum or home for children, as provided in the seventh section of this act.

Persons may adopt children who have been deserted by their parents.

10. *And be it enacted*, That whenever it shall be made to appear to the satisfaction of the court of common pleas of any county that any minor child has been deserted by its parents or surviving parent, and that it has no legal guardian, it shall be lawful for any person desirous of adopting the said child to adopt the same in the manner now provided by law in the case of the death of the parents.

Failure to pay fine a penalty, offender to be committed to county prison.

11. *And be it enacted*, That in default of payment of the fine or penalty imposed under any of the sections of this act, together with the costs of the proceedings, then the said justice of the peace, magistrate, or court of record shall commit said offender to the county prison, there to remain for not less than twenty nor more than ninety days, or until discharged by due course of law ; *provided*, that when the fine imposed exceeds the sum of ten dollars the party complained against may appeal from the decision of said justice of the peace or magistrate to the court of quarter sessions, upon his entering bail in the nature of a recognizance in the usual manner for his appearance at said court, when the offence shall be prosecuted in the same manner as is now directed by law in other cases of misdemeanor ; if, in lieu of deciding the cause, such justice of the peace or magistrate shall bind over or commit such person to appear at the court of quarter sessions, or if such person shall appear as aforesaid, or upon such binding over or commitment appear before the said court and be there convicted of such misdemeanor, he shall be sentenced to pay a fine not exceeding two hundred dollars, payable as aforesaid, or undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

Proviso.

If parents or guardians of any infant have been convicted or are dead, child may be committed to

12. *And be it enacted*, That whenever the parents or proper guardian of any infant unable to support itself have been convicted of any of the offences enumerated in

this act, or are dead, or cannot be found, and there is no other person legally responsible for the maintenance and support of such child willing to assume such support, or to be found within the county, any magistrate or court of record of the county in which such child may be found may commit such child to the care and custody of the guardians of the poor of the said county; but nothing herein contained shall exempt any person from the duty of maintaining and supporting such child as now imposed by law.

13. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 4, 1880.

CHAPTER XCVIII.

An Act relating to the distribution of the Revised Statutes and Stewart's New Jersey Digest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state is hereby directed to furnish one copy of the Revised Statutes of New Jersey, and one copy of Stewart's New Jersey Digest to each of the members and officers of the present legislature, and that all acts and parts of acts conflicting with this act, be and the same are hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 5, 1880.

CHAPTER XCIX.

An Act to repeal an act entitled "An act to prevent the spread of infectious pleuro-pneumonia among cattle in this state," approved March thirteenth, anno domini one thousand eight hundred and seventy-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to prevent the spread of infectious pleuro-pneumonia among cattle in this state," approved March thirteenth, anno domini one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. *And be it enacted*, That this act shall take effect immediately.

Passed March 10, 1880.

CHAPTER C.

An Act relative to the management of water works in certain cities of this state.

Commissioners authorized to pay to sinking fund such sum only as will be sufficient for payment of bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in any city of this state, in which water works are owned by the city and managed by a board of water commissioners, and said water commissioners are now required by law, after providing for the payment of the semi-annual interest on the "water loan" of such city, to pay over to the commissioner of the sinking fund of the city the surplus of the net rents and revenue of the water works, to accumulate as a sinking fund for the payment of said "water loan" at maturity, it shall be lawful for said commissioners,

and they are hereby authorized, at their discretion, to pay to the commissioner of the sinking fund entitled to receive the same, at the several times now provided by law, such sum only out of the net rents and revenue of said water works as upon a fair estimate, to be made by said sinking fund commissioner, may be deemed by him sufficient to provide for the payment of all the bonds constituting the "water loan" of said city as they severally fall due.

2. *And be it enacted*, That it shall be lawful for the water commissioners of any such city above mentioned, after providing for the payment of the interest on the "water loan" and making the payments to the sinking fund for the redemption of said loan at maturity, as provided in the preceding section of this act, to appropriate and use the balance of the net rents and revenue of the water works, or such part thereof as they may deem necessary or expedient, to and for the extension and improvement of the pipes, mains and water works.

Balance of rents and revenue may be expended for extension and improvement of pipes, mains and water works.

3. *And be it enacted*, That all acts and parts of acts, whether general, local or special, inconsistent with the provisions of this act be and the same are hereby repealed.

Repealer.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CI.

An Act to regulate the selection of grand and petit jurors in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter regularly licensed and practicing physicians in this state shall be exempt from liability to be drawn upon any panel of grand or petit jurors returned to any court in this state.

Physicians exempt from jury duty.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CII.

An Act relating to fees of police magistrates and police officers in cities.

Special police justices to receive and be allowed same fees as justices of the peace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any special police justice or magistrate in any city of this state, is now, or may hereafter be authorized and empowered to use and exercise the like power, authority and jurisdiction in criminal matters, and complaints arising in any such city, as justices of the peace in and for the several counties are or may be entitled to use and exercise, the said special police justice and police magistrate shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to justices of the peace.

Police officers allowed the same fees as constables.

2. *And be it enacted*, That whenever any police officer of any city of this state now has and possesses, or may hereafter have and possess all the powers of constables within the limits of any such city, the said police officer shall hereafter receive and be allowed for the same services, the same fees as are now or may hereafter be allowed to constables of the several counties; and the fees referred to in this and the preceding section shall be paid in the same manner, and under the same regulations as now provided for the collection of justices and constable's fees; *provided, however*, that in all cases where such police justices and policemen of any city of this state receive a fixed daily or annual compensation for their services from the city of which they are officers, the fees collected under this act shall be paid to the treasurer of such city.

Proviso.

3. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.
 Approved March 10, 1880.

CHAPTER CIII.

An Act for the adjustment and payment of damages to owners of property caused by the alteration in grade of streets in any city of this state where the office of commissioners of streets and sewers exists.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where damage has been or may hereafter be done to any property on the line of any street in any city of this state by alteration in the grade of such street, by order of any board of commissioners of streets and sewers of such city, it shall be lawful for the said board of commissioners of streets and sewers to ascertain and determine the amount of such damages, and upon such determination to deliver a certificate thereof to the said owner or owners thereof, and upon presentation of such certificate to the common council of said city it shall be the duty of said common council to include the amount thereof in the statement of moneys to be raised by tax for the use of such city next after the time of such presentation; and such moneys shall be collected as other moneys are collected by tax, and shall be paid to the holder of such certificate by the treasurer or other disbursing officer of said city out of the moneys so collected.

Commissioners to determine amount of damages done to property by alteration of grade of any street and deliver certificate to owner or owners.

Money to be collected by tax, and to be paid to holder of certificate.

2. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.
 Approved March 10, 1880.

CHAPTER CIV.

A Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, anno domini one thousand eight hundred and forty-six.

Unlawful to carry
away oysters of
certain size.

Penalty.

Proviso.

Fish wardens
may arrest
offenders with or
without process.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to take out of and carry away from, or to take with intent of carrying away from, the waters of Ocean, Burlington and Atlantic counties, considered as a unit, in this state any oysters, unless said oysters shall be of such size that a bushel will contain no more than three hundred, and any person or persons who shall take out of and carry away from, or who shall take with intent to carry away from said waters, any oysters requiring more than three hundred to make a bushel, shall be deemed guilty of a misdemeanor, and on conviction thereof in any county of this state, shall be punished by imprisonment in the common jail of the county where such conviction is had, for a term not less than ten nor more than thirty days, or by a fine not less than ten nor more than one hundred dollars, for each and every offense, together with costs of conviction; three-quarters of said fine to be paid to the county collector of said county where such conviction is had, for the use of the county, and one-quarter of said fine to be paid to any person who may furnish material evidence toward the conviction of any such offender or offenders; *provided*, that this act shall not apply to persons now controlling beds under any grant or lease from this state, as to taking oysters from said beds.

2. *And be it enacted*, That it shall be the duty of the fish commissioners of this state and their successors, in addition to their present duties, to instruct and direct the

fish wardens each of the counties of Ocean, Burlington and Atlantic to enforce the oyster laws within the said counties by arresting with or without process, and prosecuting the offender or offenders; said officer shall be entitled to, in addition to his fees as fish warden, the same fees as constables in criminal cases, together with his pay as witness in such case, although he be complainant, and if the person or persons arrested by said fish warden shall be acquitted, said warden shall not be held liable to be prosecuted for said arrest, or pay any costs that may have accrued in the arrest or prosecution of said offender or offenders, unless it shall be proven that said warden made the arrest with malice and with intent to injure said person or persons, and not to enforce said acts; the said warden may in the discharge of his duties call in the aid of any person or persons, when necessary, and such person or persons shall not be liable to prosecution for rendering such aid; any person neglecting or refusing to aid when thus called upon, shall forfeit ten dollars, to be recovered by action of debt before any justice of the peace in any of the counties of this state having cognizance of such sum; the said wardens shall make report to the board of commissioners of fisheries annually, of the number of arrests and amount of fines collected, and before what courts such convictions are had; and the fines collected shall be disposed of as provided by law for the disposal of fines imposed for violation of the fishing laws of this state.

Wardens may call in aid persons when necessary and penalty for refusing.

Reports to be made.

3. *And be it enacted*, That if the said fish wardens, or any of them, shall willfully neglect the performance of any duties imposed upon him by this act, he or they shall forfeit the sum of twenty-five dollars, to be recovered by any person who shall sue for the same, with costs of suit, in an action of debt before any justice of the peace in any of the counties of this state.

Penalty of fish wardens for neglect of duty.

4. *And be it enacted*, That if the name or names of any person or persons offending against the provisions of this act is or are unknown, it shall be sufficient, in any of the proceedings necessary to carry into effect this act, to describe such offender or offenders as "a certain person or persons whose name or names are unknown."

Offender or offenders how described.

Repealer. 5. *And be it enacted*, That all acts or parts of acts conflicting with this act be and the same are hereby repealed, and that this act shall be a public act and take effect immediately.

Approved March 10, 1880.

CHAPTER CV.

An Act in relation to fixing the terms of certain courts.

Court of errors may change time of holding terms.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey</i> , That the court of errors and appeals may, from time to time, change the times for holding the stated terms of said court; <i>provided</i> , at least three such terms shall be held annually.
Proviso.	
Chancellor may change time of holding terms.	2. <i>And be it enacted</i> , That the chancellor may, from time to time, change the times for holding the stated terms of the court of chancery and the prerogative court; <i>provided</i> , at least three such terms of each court shall be held annually.
Proviso.	
Supreme court may change times of holding terms.	3. <i>And be it enacted</i> , That the supreme court may, from time to time, change the times for holding the stated terms of the supreme court, the several circuit courts, courts of oyer and terminer and general jail delivery, courts of common pleas, courts of general quarter sessions of the peace and orphans' courts; <i>provided</i> , at least three such terms of each court shall be held annually.
Proviso.	
No change to be operative until entered on the minutes of said courts.	4. <i>And be it enacted</i> , That no change to be ordered under this act shall become operative until the order therefor shall have been entered upon the minutes of the court making it, and publicly announced in the court whose terms are to be changed, at a regular term, prior to the change going into effect.
Schedule may be printed in the volume of laws.	5. <i>And be it enacted</i> , That a schedule, showing the times and places for holding said courts, may be printed annually, in the volume of the public laws.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CVI.

An Act to provide for the establishment of an agricultural experiment station.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That, for the benefit of practical and scientific agriculture, and for the development of our unimproved lands, the New Jersey agricultural experiment station, with suitable branches, is hereby established.

Agricultural experiment station established.

2. *And be it enacted*, That the direction and management of this institution shall be committed to a board of directors, which shall consist of the governor of the state, the board of visitors of the state agricultural college, together with the president and the professor of agriculture of that institution.

Direction and management of institution.

3. *And be it enacted*, That the members of this board shall be called together by the secretary of the board of visitors, and shall organize by the election of a president and secretary, who shall hold their offices for one year, and until their successors are elected; five members shall constitute a quorum.

Election of president and secretary and term of office.

4. *And be it enacted*, That the board of directors shall hold a meeting each year, at Trenton, on the third Tuesday in January, and other meetings, at the call of the president, at such times and places as may best promote the objects of the institution.

Meetings of board of directors.

5. *And be it enacted*, That the board of directors shall locate said experiment station and branches, and shall appoint a director who shall have the general management and oversight of the experiments and investigations necessary to carry out the objects of said institution, and shall employ competent chemists, and other assis-

Board of directors to locate station and branches, and to appoint a director, chemists, &c.

Report to be
made.

Amount of ap-
propriation.

tants necessary to analyze soils, fertilizers and objects of agricultural interest, so as to properly carry on the work of the station, and it shall make an annual report of its work to the governor of the state.

6. *And be it enacted*, That a sum, not exceeding five thousand dollars in any one year, is hereby appropriated to said New Jersey experiment station, which money shall be paid out from the state treasury on the presentation of the bills of said station properly certified by the president and secretary of the board of directors.

7. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CVII.

Supplement to an act for the preservation of fish, approved April thirteenth, one thousand eight hundred and seventy-six.

When unlawful
to fish with nets
within certain
boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to fish with any net or nets or other contrivance whatever (except with hook and line), in any waters of the state, lying and being in the sea side boundaries of the Lower township of the county of Cape May, south of what is known as Black Bank channel, nor in the waters of the state within the boundaries of the city of Cape May, from the first day of June to the fifteenth day of September, in each and every year.

Persons convict-
ed to be impris-
oned or pay a
fine.

2. *And be it enacted*, That any person or persons who shall violate the provisions of the first section of this act, shall, upon conviction thereof, before any justice of the peace of the county in which said offence is committed, be punished by imprisonment in the common jail of the county for the term of thirty days, or by a fine of thirty

dollars, for each and every offence; one half of said fine ^{Fine to whom paid.} to be paid into the treasury of the county, and the balance to be paid to the person or persons making the complaint and prosecuting such offender or offenders; and when any fine is imposed by virtue of this, the offender shall stand committed until fine and costs are paid.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CVIII.

An Act giving the consent of the legislature of the state of New Jersey to the purchase by the United States, of land within the state for public purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the consent of the legislature of New Jersey be, and the same is hereby given, to the purchase by the government of the United States, or under the authority of the same, of any tract, piece or parcel of land from any individual or individuals, bodies politic or corporate, within the boundaries or limits of the state, for the purpose of erecting thereon magazines and other needful buildings to be used as a powder depot for the ordinance department of the United States army; and all deeds, conveyances of title papers for the same shall be recorded as in other cases upon the land records of the county in which the land so conveyed may be; the consent herein and hereby given being in accordance with the seventeenth clause of the eighth section of the first article of the constitution of the United States, and with the acts of congress in such cases made and provided.

^{Consent given to U. S. government to erect magazines, &c., for a powder depot.}

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CX.

An Act concerning canals.

Canal companies
may extend time
for completion of
their work by
filing certificate
in office of secre-
tary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any canal company heretofore created and existing or hereafter created under or by virtue of any law of this state to extend the time limited in its charter or certificate of organization for the completion of its works for a period not exceeding ten years, upon filing in the office of the secretary of state a certificate under its common seal attested by the signature of its presiding officer, declaring its desire at the time so limited for the completion of its works shall be extended for a period not exceeding ten years.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXI.

An Act to protect the interests of counties and townships by allowing taxpayers in certain cases to prosecute suits in their behalf, and to intervene in actions by or against them.

Taxpayers may
institute and
prosecute actions
or suits in cer-
tain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any member of the board of chosen freeholders of any county, or of the township committee of any township, is or may be interested adversely to such county or township upon any

claim or demand of such county or township, or where, without good cause, the board of chosen freeholders of any county or the township committee of any township fail or neglect to prosecute any claim or demand of such county or township, it shall be lawful for any court in which an action or suit on such claim or demand is cognizable to allow any taxpayer or taxpayers of such county or township (being also resident or residents therein) to institute and prosecute an action or suit upon such claim or demand in the name of and on behalf of such county or township if, in the opinion of the court, the interests of said county or township require or would be promoted thereby, such order to be made upon such terms as the court may impose.

2. *And be it enacted*, That in any action or suit brought or to be brought in any of the courts of this state by or against any county or township in which the interest of any member of the board of chosen freeholders or of the township committee is or may be adverse to the said county or township, or where other good cause may be shown, it shall be lawful for the court, or a judge thereof, if in the supreme court, to allow any taxpayer or taxpayers of such county or township (being also residents therein) to intervene in said suit on behalf of said county or township, if, in the opinion of the court or judge, the interests of such county or township require or would be promoted thereby, such intervention to be upon such terms as the court or judge may impose; *provided, however*, that this act shall not apply to or in any way affect any suit or suits now pending in any of the courts of this state.

Taxpayers may
intervene in any
action or suit on
behalf of any
township or
county.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXII.

An Act to enable cities to create the office of comptroller.

Incorporated cities may create the offices of comptroller and define his duties, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any incorporated city in this state, wherein the office of comptroller does not now exist to create and establish the office of comptroller for such city, whenever the city council thereof, shall by the passage of an ordinance determine so to do, which ordinance shall define the duties of said officer in conformity with this act, and shall fix his salary not exceeding in amount fifty dollars for each thousand of population of said city, and the amount of bond which shall be required from him.

Comptroller how elected and term of office.

2. *And be it enacted*, That said comptroller shall be selected in each city adopting said ordinance, and establishing such office, by the city council of said city, at the first stated meeting after the passage of the ordinance mentioned in the preceding section, and the person so elected shall hold his office for the term of three years and until his successor is elected and qualified.

Comptroller to take oath and give bond.

3. *And be it enacted*, That said comptroller before entering upon the duties of his office shall take and subscribe before any officer authorized to administer oaths and affirmations in this state, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, and such other oath or affirmation as the laws of the state of New Jersey, or the council electing said officer may require, which oath or affirmation shall be filed by the city clerk in his office; he shall give good and sufficient bond for the faithful performance of the duties of his office in such sum as the city council electing him shall direct, and shall receive as compensation for his services such salary as

said city council shall prescribe, said salary not to be increased or diminished during the term of his office.

4. *And be it enacted*, That it shall be the duty of the said comptroller to sign all warrants on the city treasurer; to superintend all fiscal concerns of the city in such manner and to report thereon at such times as city council shall direct by ordinance; to keep separate accounts of all appropriations made by city council to each and every department of the city government, and to require all warrants on the treasurer to state particularly against which appropriation the said warrant is drawn; the said comptroller, upon receiving a bill or warrant, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the department having charge of the bill or claim against the city, and the warrant in such case shall not be signed except by special authority or direction of city council; he shall upon the death, resignation, removal or expiration of the term of office of any officer or person who by law may be authorized to receive or disburse moneys of the city, for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to city council; he shall before the payment of any claim against the city first audit the bill containing or making up said claim, with a view to ascertain whether the supplies charged to the city, or services alleged to have been rendered, have been furnished and rendered as stated, and whether the sum or sums demanded therefor are proper, and after so auditing shall return said bill to the department having control of the appropriation against which said claim is made, and against which the warrant is to be drawn; he shall, as often as he may deem necessary, or as city council shall require, suggest plans to said city council for the improvement, advantage and better management of the city finances; he shall have control of the fiscal concerns of all departments, bureaux, and officers of the city in which he holds his office as aforesaid, and may require at any time from any or all of said departments,

Duties and powers of comptroller.

bureaux and officers a full exhibit of their business, and a statement of account in writing of any and all moneys or property of the said city within the control or in the hands of said departments, bureaux and officers; and said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to city council, and in order that he may fulfill his duties and make complete audits of accounts, he shall have power whenever he may see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purpose aforesaid; the said comptroller shall also be authorized, whenever in his judgment the interest of the city for which he is elected such officer shall require, to examine under oath any person presenting a bill or claim against said city for the payment of moneys, and also to examine witnesses and to investigate by other evidence and inquiry all the facts relating to said claim, which in his opinion are necessary to establish the accuracy and good faith of said claim, and to ascertain the city's liability therefor; *provided, however*, that this act shall not apply in any of its provisions to any city of this state which now has any comptroller under any special charter or the supplements thereto, or any officer whose duties correspond to those enumerated in this act.

Proviso.

When unlawful
to sign warrants
or procure pay-
ment of money.

5. *And be it enacted*, That it shall be a misdemeanor for the comptroller to sign any warrant or order, or otherwise to procure the payment of any money by the city for which he is said officer, not authorized by law.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXIII.

An Act relative to interest on arrears of taxes and assessments in incorporated cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any time within one year after the passage of this act, any person or persons may pay to the collector of taxes, or other person authorized to receive the same, in any incorporated city of this state, the amount of any tax or assessment due upon any real property belonging to such person or persons heretofore laid or imposed and now remaining unpaid, together with interest thereon at seven per cent. per annum, to be calculated from the time such tax or assessment was imposed to the time of such payment, and the collector of taxes or other person authorized to receive the same, shall make and deliver to the person or persons making such payment a receipt therefor, and shall forthwith cancel the record of such tax or assessment; upon such payment, such tax or assessment shall cease to be a lien upon the real estate or property, and shall be deemed and taken to be fully paid, satisfied and discharged, and there shall be no right to any further interest or penalty by reason of such tax or assessment not having been paid within the time heretofore required by law, or reason of any statute passed requiring the payment heretofore of any penalty or interest over six per cent. upon any unpaid tax or assessment; *provided, however*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes or assessments in cases where lands and real estate have been sold for taxes or assessments and bought in by any other person than the city in which said taxes and assessments are laid, or some officer for the use of such city; nor shall any lien upon real estate for such taxes or assessments be

Unpaid taxes or assessments upon real property with interest may be paid to collector of taxes.

Collector authorized to receive payment and to cancel record, and tax or assessments to cease to be a lien, &c.

Proviso.

Proviso.

released or affected, nor shall any sale of any real estate for taxes or assessments, or the delivery of any certificate or declaration of sale or deed therefor, be stayed by anything in this act contained; *provided*, that this act shall not apply to any cities in this state in which redemptions are pledged to the commissioners of the sinking fund for the redemption of bonds already issued.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXIV.

A Further Supplement to the act entitled "An act for the settlement of the poor"(Revision), approved March twenty-second, one thousand eight hundred and seventy-four.

Section to be
amended recited.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section thirty-one of the act to which this is a supplement, which reads as follows:

"31. *And be it enacted*, That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required; who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him at such time and place as he shall appoint; and the said justice shall thereupon proceed to examine every such poor person or persons upon oath or affirmation, relating to his, her or their last place of legal settlement, which settlement shall be proved before said justice by the affidavit of at least one reputable freeholder, resident in the township or ward which the said

poor person or persons claim as his, her or their place of residence and settlement; and the said overseer or overseers are hereby authorized and required to take out, in the name of said justice, and serve process of subpoena when necessary to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or persons and witnesses, shall adjudge and determine the legal settlement of such poor person, and if the same be within the county where the application for relief is made, and he believes that public relief is necessary, he shall make out an order of removal commanding the said overseer or overseers to remove the said poor person or persons to the poor-house of the county (where poor-houses are erected), or if there be none, then to the place of his or her last legal settlement; and also to deliver to the said overseer or overseers the said order of removal, together with the affidavit and a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer shall take and deliver, with the said poor person or persons to the steward of the said poor-house, or to the overseer or overseers of the poor of the township to which he or she shall be removed, as the case may be, and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made; *but provided*, that if it shall appear, on the examination had as aforesaid, that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or their place of settlement, according to the seventeenth section of this act, and transmit with the said poor person or persons a copy of the evidence on which the adjudication was made, and without such copy or evidence such removal shall not be deemed legal," be so amended as to read as follows:

31. *And be it enacted*, That on application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons

Section as amended.

Upon application for relief justices of peace are empowered to issue warrant to bring applicant before him to determine place of legal settlement.

Justice to determine legal settlement and may order removal to poor-house.

Proviso.

within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required, who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him, at such time and place as he shall appoint, and the said justice shall thereupon proceed to examine every such poor person or persons upon oath or affirmation relating to his, her or their last place of legal settlement; and the said overseer or overseers are hereby authorized and required to take out in the name of said justice and serve process of subpoena, when necessary to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or persons and witnesses, if any there be, shall adjudge and determine the legal settlement of such poor person; and if the same be within the county where the application for relief is made, and he believes that public relief is necessary, he shall make out an order of removal, commanding the said overseer or overseers to remove the said poor person or persons to the poor-house of the county (where poor-houses are erected), or if there be none, then to the place of his or her last legal settlement; and also to deliver to the said overseer or overseers the said order of removal, together with a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer or overseers shall take and deliver with the said poor person or persons to the steward of the said poor-house, or to the overseer or overseers of the poor of the township to which he or she shall be removed, as the case may be; and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made; *but provided*, if it shall appear on the examination had as aforesaid, that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or their place of settlement, according to the seventeenth section

of this act, and transmit with the said poor person or persons a copy of the evidence on which the adjudication was made, and without such copy of evidence such removal shall not be deemed legal.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXV.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, making the same a first lien on real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any and all taxes which shall or may hereafter be laid, assessed or imposed, pursuant to the laws of this state, within any incorporate city, village, borough, or other municipality of this state, against any person or persons or corporations for or on account of any lands, tenements, hereditaments or real estate, situate, lying and being in such city, village, borough or other municipality, together with lawful interest thereon accruing and all costs, fees, charges and expenses, in relation to the levy, assessment and collection of said taxes, shall be, become and remain from and after the date of such levy and assessment, a full and complete, first and paramount lien on all the lands, tenements, hereditaments or real estate, on account of which such levy and assessment shall be made, for and during the period now provided for in the act of incorporation or any supplement thereto or revision of the same, of any such city, village, borough, or other municipality as aforesaid; and that any and all estates therein, whether legal or equitable, and any and all mortgages, alienations, devises, descents, liens and incumbrances of every

Unpaid taxes to be and remain a first lien on lands

Mortgages, incumbrances, &c., to be subject and subservient to taxes, &c.

kind and nature, of, in, upon or against such lands, tenements, hereditaments, or real estate, shall be in every respect subject and subservient to the lien of the aforesaid taxes, interest, costs, fees, charges and expenses; *provided, however,* that nothing herein contained shall be construed to apply to any township in this state, or to conflict with any laws regulating the assessment and collection of taxes in said townships.

Proviso.

Repealer.

2. *And be it enacted,* That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed.

3. *And be it enacted,* That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXVI.

An Act in relation to cities.

When any city is unable to raise and pay annual charge upon indebtedness common council may offer terms of settlement to creditors, and to issue bonds to such amount as they may deem necessary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That whenever any city in this state shall be unable, in the judgment of the city council or other legislative body thereof, to raise and pay the annual charge upon the municipal indebtedness of such city, which judgment shall be expressed by the resolution of such city council or other legislative body, by the votes of three-fourths of the members thereof, it shall then be lawful for the said city council or other legislative body to offer such terms of settlement to the creditors of such city as such city council or other legislative body shall deem such city so indebted may be able to meet and carry out, and to issue bonds of such city for such an amount as they may deem necessary to carry out the terms of a settlement, in the manner hereinafter provided; said bonds shall be issued by ordinance of the city council or other legislative body of such city passed by the votes of three-fourths of the members thereof, and

said bonds shall be applicable to the purposes of the arrangement and settlement of the indebtedness of any such city with the creditors thereof, and for no other purpose, except as hereinafter provided; and the ordinance for the issue of said bonds shall be passed in like manner and in accordance with the same forms of law as all other ordinances for the issue of bonds heretofore passed in such city or cities; said bonds may be either coupon or registered, and exchangeable, the one class for the other, at the option of the holder, and all said bonds so issued, shall be entitled and designated adjustment bonds of the city by which the same may be issued; *provided, however*, in no case shall such bonds be issued Proviso. until the city council or other legislative body in said city or cities shall have determined by resolution the amount or percentage of existing indebtedness for which said adjustment bonds shall be issued, and as soon as the city council or other legislative body shall have determined upon the amount and character of the settlement they shall deem such city or cities as aforesaid may be able to make and carry out, it shall be the duty of said city council or other legislative body to submit such terms of settlement to the legal voters of such city or cities, in order to give undisputed validity to such issue of adjustment bonds by the endorsement of the same by a majority of the voters and taxpayers, should such terms of settlement as may be offered be agreed to.

2. *And be it enacted*, That the manner of acceptance or rejection of such terms of settlement by the legal voters of such city or cities shall be as follows: the said city council or other legislative body shall give thirty days' notice, by publication in the daily and weekly papers of such city or cities, of a special election for that purpose; the polls shall be held at such places as the city council or other legislative body may determine, and the election shall be carried out in the same manner as provided for other municipal elections, and under the same laws, except as to the time of holding the same, which shall be fixed by the said council or other legislative body, and also except that but one day of registration of voters shall be required, which said day of registration shall be not more than four days before the day fixed for

Legal voters of city to determine the acceptance or rejection of terms of settlement.

the said election; and the ballots cast at such election shall be as follows, to determine the will of the people: in favor of the settlement of the debt as proposed, or, against the settlement of the debt as proposed, as the voter may determine.

If settlement is agreed to, adjustment bonds to be issued.

3. *And be it enacted*, That whenever such settlement shall be agreed to in any city of this state as hereinbefore provided, the adjustment bonds authorized by this act shall be issued in the manner provided for the issue of bonds in such city or cities, and such bond shall bear a rate of interest to be fixed in the terms of settlement, not, however, greater than four per centum per annum, and shall be payable at such time or times as may be designated, not however, less than twenty years from the date of issue; but the said bonds may be made redeemable by such city or cities at any time after five years from the date of the issue of the same.

Rate of interest.

Bonds issued may be exchanged for legal indebtedness.

4. *And be it enacted*, That it shall be lawful for such city or cities, through the finance department thereof, to exchange such bonds so issued for any legal evidence of indebtedness of such city, held by any creditor thereof with whom such finance department may agree for that purpose, in accordance with the terms of settlement which may be authorized and adopted in pursuance to the provisions of this act, and such city or cities may by a majority vote of its finance board, and by a three-fourths vote of its city council or other legislative body, issue an amount of adjustment bonds in the manner authorized by the foregoing provisions of this act sufficient to cover the cost and expense of making the exchange as aforesaid; *provided*, the amount of bonds so issued shall not exceed one percentum of the amount of such bonds so exchanged, but no money shall be paid for commission except in cases where the city authorities shall be absolutely unable to make settlement as intended by the provisions of this act.

Bonds may be issued to cover cost and expense of making exchange.

Proviso.

Interest on bonds to be raised by taxation.

5. *And be it enacted*, That the annual interest on the aforesaid adjustment bonds shall be raised by taxation, by the proper authorities of any such city, which may be authorized by law to raise money by taxation, and such interest, together with any sum of principal which shall be raised by taxation by such authority, shall be

paid by the proper authorities on such bonds for interest or redemption before the interest on any bonds or other evidences of indebtedness of such city in existence at the time of the issue of the bonds authorized by this act, except indebtedness incurred for current expenses.

6. *And be it enacted*, That all sums which shall be raised by any such city for the purpose of application to the payment of the bonds authorized by this act, shall be held as a sinking fund by the proper officers of said city, and shall be applied from time to time to the reduction of the debt only by the redemption of said bonds, and said bonds shall in all cases be purchased at the market price, if below par in value; such bonds so purchased shall not again be issued, but shall as soon as possible be cancelled, in the presence of the mayor, sinking fund commissioners, if any there be, and finance committee of the governing body of said city, or a majority of them.

Money raised for payment of bonds to be held as a sinking fund.

Bonds purchased to be cancelled.

7. *And be it enacted*, That all revenues raised by any such city for licenses of any character whatever, and also all unexpended balances of the annual tax levy made for current expenses, which may remain unused at the end of each fiscal year, shall be used by the sinking fund commissioners for the purchase of any outstanding bonds or other evidences of indebtedness, at the market price, not above par; *provided however*, that such sums received from license fees and unexpended balances, as aforesaid, shall be applied to the purchase and redemption of any portion of the indebtedness of any such city, now outstanding, which may not be included in the settlement contemplated by this act, and whenever all such indebtedness shall have been purchased or redeemed on behalf of such city, by the proper officers thereof, or exchanged under the terms of the settlement provided for in this act, then, and in such case the said unexpended balances and license fees, when received, shall be turned into the sinking fund, which is made applicable to meet the principal of the adjustment bonds which may be issued under the foregoing provisions of this act.

Revenues from licenses and unexpended balance to be used for the purchase of outstanding bonds and other indebtedness.

Proviso.

8. *And be it enacted*, That all acts and parts of acts, inconsistent or in anywise in conflict with this act, be and the same are hereby repealed, and that this act shall be

Repealer.

deemed a public act, and that it shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXVII.

A Supplement to an act entitled "An act respecting conveyances" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

Instruments of
writing hereto-
fore made to have
force and effect.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every instrument of writing heretofore made purporting to convey any interest in lands, tenements, hereditaments or real estate, either absolutely or by way of trust or mortgage, to which the grantor, bargainor or feoffer shall have affixed a scroll or ink or other device by way of a seal, shall be taken and adjudged to be of the same force and effect as if it had been actually sealed with wax.

Instruments of
writing executed
and delivered
since a certain
time declared
valid.

2. *And be it enacted*, That all instruments of writing answering the description contained in the first section of this act, executed and delivered since the sixth day of April, one thousand eight hundred and seventy-five, shall be held to be as good and valid to all intents and purposes, in all courts and places, as if they had been sealed with wax, and no title depending on or purporting to be conveyed or transferred by any such instrument shall be impeached or questioned for lack of a wax seal; *provided*, that all the other requirements of the law respecting conveyances have been complied with.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXVIII.

Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the public schools, elected in each school district in this state, shall meet for the transaction of business connected with the public schools in their respective districts, on the first Tuesday after the first Monday in March, June, September and December, or oftener if the business of the board require it. Trustees of public school when to meet.

2. *And be it enacted*, That all bills and demands for money expended for school purposes, and all contracts entered into, shall be presented and passed on in open session of the board of school trustees, and no bills or demands for money on that account shall be paid which have not been thus passed on and approved. Bills and demands to be presented and passed on in open session.

3. *And be it enacted*, That it shall be unlawful for any board of school trustees or board of education of this state, to pay or disburse, out of the school moneys under their control, any sum for school supplies, books, maps, charts, globes, fuel, erecting, enlarging, repairing or improving school buildings and grounds, and janitors' salaries, unless the person claiming or receiving the said moneys shall first present to the board of trustees or boards of education a detailed bill of items or demand, specifying particularly how such bill or demand is made up, and the dates thereof, and the names of the persons to whom the amount composing such bill or demand is due; *provided*, that the district clerk, as he may be authorized by the board of trustees, is empowered to purchase for the school or schools under their control, such supplies as may be necessary, and shall present an Unlawful for trustees to pay any bills or demands unless the same are itemized. Proviso.

itemized bill of the same, with affidavit attached, which shall be acted on and paid as other bills; and said itemized bill shall be considered as satisfying all the provisions of this act.

Affidavit to be made to all bills.

Proviso.

Penalty for wilfully violating this act.

4. *And be it enacted*, That any person or persons presenting any such bill or demand, shall make an affidavit that the goods or services, itemized in said bill or demand, have been delivered or rendered, that no bonus has been given or received by any person or persons with the knowledge of the deponent in connection with the claim, and that the same is correct and true; *provided*, that the clerk of any board of trustees or board of education is hereby authorized to take such affidavit without cost.

5. *And be it enacted*, That any board of school trustees or board of education, who shall wilfully violate the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not to exceed one hundred dollars, or as the court may direct.

6. *And be it enacted*, That this shall be deemed a public act and shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXIX.

A Further Supplement to the act entitled "An act for the limitation of actions," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Actions to obtain possession of lands to be instituted and brought before a certain time.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all actions to obtain possession of lands (where the right to such action accrued by virtue of a deed taken prior to the fourth day of July, in the year of our Lord one thousand eight hundred

and eighty, in good faith, and for a valuable consideration, and without notice of a prior deed given by the same grantor, which prior deed shall have been recorded, although not until more than fifteen days after the delivery thereof), shall be instituted and brought on or before the fourth day of July, in the year of our Lord one thousand eight hundred and eighty-two, and not after.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXX.

An Act concerning the assessment and collection of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all taxes, assessed in any town, city or municipality of this state shall be assessed upon the real estate, within the corporate limits of such town, city or municipality, of non-residents as well as of residents, and the same shall be assessed and collected in the same way and manner as township, county and state taxes are now assessed and collected. Assessment and collection of taxes how made.

2. *And be it enacted*, That all acts or parts of acts, special or public, so far as they conflict with this act, be and the same are hereby repealed. Repealer.

Approved March 10, 1880.

CHAPTER CXXI.

An Act concerning cities.

Appropriations
for maintenance
and keeping in
repairs sewers
may be increased.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council of any city in this state to increase an appropriation already made for the maintenance and keeping in repair the sewers of any such city for the present fiscal year, where such appropriation has been exhausted and the condition of the sewers of such city is detrimental to health; *provided*, such increase for the balance of this fiscal year shall not exceed one thousand dollars; and the mayor and council of such city is hereby authorized to borrow the amount of money which under this act may be appropriated for the purposes aforesaid in anticipation of taxes next thereafter to be levied and to provide for the repayment of the amount so borrowed, in the tax levy to be made next thereafter, unless the same be previously paid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXII.

An Act in relation to roads, highways and thoroughfares.

Road board, or
committee may
construct any
road, highway or
thoroughfare
through a tunnel.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever authority has heretofore been conferred upon any public road board,

township committee or railroad corporation to lay out, excavate, construct or grade any road, highway or thoroughfare, and it shall appear to such board, committee or corporation that the public interest will be best subserved in any particular case by the construction of any section of such road, highway or thoroughfare through a tunnel, instead of through an open cut, in order to avoid interference with any established road, highway or thoroughfare, and to effect less injury to private property, then and in that case it shall be lawful for such board, committee or other corporation to construct a tunnel for any particular section of such road, highway or thoroughfare, under the same regulations as now exist in regard to the laying out and construction of roads, highways and thoroughfares by such corporations respectively, and under the same responsibility for any damage which may be done to the property of private individuals.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXIII.

A Further Supplement to the act entitled "An act concerning the sale of railroads, canals, turnpikes, bridges, and plank roads," approved March twenty-fifth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons for or on whose account any railroad, canal, turnpike, bridge or plank road may have been purchased, as provided in the first section of the act to which this is a further supplement, shall meet within thirty days after such purchase shall have been made, at the county town of any one of the counties through which the said railroad, canal, turn-

Purchasers shall meet within thirty days after purchase.

Notice of meeting
to be published.

Shall organize
new corporation.

Shall adopt cor-
porate name, seal
and determine
amount of stock
and issue certi-
ficates therefor.

pike, bridge or plank road may run, public notice of the time and place of such meeting having been given at least once a week for two weeks in at least one newspaper published in each of the counties in or through which the said railroad, canal, turnpike, bridge or plank road may run, or personal notice, in writing, of such time and place having been given to each of said persons for or on whose account such purchase was made, at least one week prior to the time of such meeting; and when so met shall organize said new corporation by electing a board of directors, to consist of such number as provided in the original charter of the corporation so reorganized and to continue in office for one year and until their successors shall be chosen pursuant to the by-laws of such new corporation.

2. *And be it enacted*, That at such meeting so held the said persons so met shall adopt a corporate name and seal, determine the amount of the capital stock thereof, and may make and issue certificates therefor to the persons for and on whose account such purchase was made to the amount of their respective interests therein in shares of fifty or one hundred dollars each, as said board may deem expedient.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXIV.

An Act relative to public printing.

Printing how
executed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall hereafter be printed in the same general style in which the volume of laws was printed in the year one thousand eight hundred and seventy-eight, excepting that the laws shall be collated

and indexed under the two heads of general public acts, special public and private acts; also the legislative documents shall be hereafter printed in the same style in which the said work was done in the year one thousand eight hundred and seventy-eight, omitting the index; the journal of the senate and minutes of the joint meetings and executive sessions, and the minutes of the house of assembly shall be printed in the same compact and workmanlike manner in which the said work was done in the year one thousand eight hundred and seventy-two; also, that the public bills ordered by either branch of the legislature shall be printed on good writing paper, with pica type, each page to contain thirty-one lines; and the prices to be paid for said printing shall be as follows: for printing six thousand copies of the session laws, the sum of forty-two dollars per sheet of sixteen pages; for printing one thousand copies of the journal of the senate with the minutes of the joint meetings, and one thousand copies of the minutes of the house of assembly, the sum of twenty-two dollars per sheet of sixteen pages; for printing one thousand copies of the legislative documents, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for press work; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars per sheet of four foolscap pages, and in cases where extra copies shall be ordered and delivered to either house, they shall be paid for at the rate of two dollars per sheet of four foolscap pages for each two hundred extra copies; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages, for the press work; *provided*, that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated; and where matter requires two justifications, without rules, one price and a half shall be paid; and *provided further*, that seventy-five cents extra per page shall be paid for printing all indices and tables of

Senate journal,
minutes of as-
sembly and legis-
lative docu-
ments.

Public bills.

Compensation to
be paid.

Extra copies.

Proviso.

Proviso.

Work to be completed; how done.	contents set in bourgeois type in the session laws, journals of the senate, and minutes of the house of assembly. 2. <i>And be it enacted</i>, That the above prices shall include all the expenses incident to the printing and delivery to the state treasurer of all documents ordered, except folding and stitching, which shall be charged at the current prices for such work, and the paper, which shall be of good quality and of the following description: for the documents, journals and minutes, white calendered printing paper, twenty-four by thirty-eight inches in size, weighing not less than fifty pounds to the ream of four hundred and eighty sheets; for the laws the same size as for the journals, and to weigh not less than fifty pounds to the ream of four hundred and eighty sheets; for the bills, to be on good flatcap paper, weighing fourteen pounds to the ream; the price to be allowed for such paper shall be at the lowest rate per pound at which the same is sold by paper dealers in New York or Philadelphia on the first day of April; and satisfactory evidence of the price of such paper within the said period shall be submitted to the comptroller before the allowance by him of any bill for paper on which any public printing shall be executed.
Paper, quality and description.	
Price of paper.	
Joint committee on printing shall order what documents or reports shall be printed in the volume of documents.	3. <i>And be it enacted</i>, That all messages, pamphlets, reports or other documents, which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in two volumes, under the title of "legislative documents;" and no document or report shall be embraced in said volumes unless so ordered by the joint committee on printing; when said joint committee shall order any document to be printed in the said volumes of documents, there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual and other messages shall be classed as document number one in said volume, and shall be preceded by a list of the documents contained in such volume, in the order in which they are arranged; when any document shall be ordered to be printed more than once (at periods more than ten days apart), the printer thereof shall be entitled to charge composition as above provided for each time the docu-
Number of copies to be printed.	

ment shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.

4. *And be it enacted*, That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses to the persons employed to print the same within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer, for the use of the state, one hundred dollars of their salary; and the persons designated to print the said minutes and journals shall finish their work and deliver it to the state treasurer within four months of the time of receiving the copy therefor, under a penalty of three hundred dollars.

Officers to furnish copy.

Work when to be finished and delivered.

5. *And be it enacted*, That the indices to the pamphlet laws, to the journal of the senate, and to the minutes of the house of assembly, shall hereafter be made out by the person or persons respectively who may be empowered to execute said printing, and the sum of seventy-five dollars each shall be allowed said printers for compiling said indices; said indices to the pamphlet laws shall be printed in solid bourgeois type, and there shall be but two indices to the pamphlet laws, one following the general public laws, and one following the special public and private laws, the last named to be a general index to the whole volume, and said indices shall be made out alphabetically, in the style of the indices of the pamphlet laws for the year one thousand eight hundred and seventy-six; the indices to the senate journal and to the assembly minutes shall be set solid in bourgeois type, and shall be made out and printed in the same style as said indices in the year one thousand eight hundred and seventy-two.

Indices and compensation therefor.

6. *And be it enacted*, That William S. Sharp, of the city of Trenton, be employed to print the report of banking and savings institutions.

Banks and savings institutions.

7. *And be it enacted*, That John L. Murphy, of the city of Trenton, be employed to print the bills of the senate and general assembly, and such other document printing

Current printing and annual reports.

as may be ordered by the two houses, and the annual reports of state officers to the legislature, except when otherwise disposed of by this bill.

Senate journal.

8. *And be it enacted*, That Sanford S. Murphy, of the city of Burlington, be employed to print one thousand copies of the senate journal and minutes of joint meeting and executive session for the current year, in compact form, as per journal of one thousand eight hundred and seventy-two.

Minutes of house.

9. *And be it enacted*, That Z. K. Pangborn, of Jersey City, be employed to print one thousand copies of the minutes of the house of assembly for the current year, in compact form, as per minutes of one thousand eight hundred and seventy-two.

Laws, when to be delivered.

10. *And be it enacted*, That Messrs. Vance and Stiles, of Morristown, be employed to print six thousand copies of the laws enacted at the present session of the legislature, which copies shall be delivered to the state treasurer within two months after the said Vance and Stiles shall have received the copies thereof; and, on failure thereof, the said Vance and Stiles shall forfeit the sum of three hundred dollars, which the said treasurer is authorized to withhold and deduct from the amount due them for printing the said copies.

Legislative documents.

11. *And be it enacted*, That Thomas T. Kinney, of Newark, be employed to print one thousand copies of the legislative documents of the current year.

Certain reports.

12. *And be it enacted*, That Josiah Ketcham, of Belvidere, be employed to print the reports of the state board of agriculture, the state prison, and the state normal school.

Reports printed in German.

13. *And be it enacted*, That Theodora S. Prieth, of the city of Newark, be employed to print the usual number of such reports as may be ordered printed in German during the current year, except the report of the state board of agriculture.

Agricultural report in German.

14. *And be it enacted*, That Neuenberger and Bauerbrand, of Elizabeth, be employed to print the usual number of the report of the state board of agriculture in German.

Report of state treasurer, &c.

15. *And be it enacted*, That Sinnickson Chew, of the city of Camden, be employed to print the report of the state

treasurer, report of the board of health, and report of the state board of education.

16. *And be it enacted*, That Charles H. Folwell, of Mount Holly, be employed to print the reports of the attorney general, the commissioner of railroad taxation, the riparian commissioners, the adjutant general, the managers of the lunatic asylums at Trenton and Morristown, and the inspector of weights and measures. Certain reports.

17. *And be it enacted*, That Samuel Toombs, of Orange, be employed to print the reports on railroads and canals, and Rutger's Scientific School. Report of railroads and canals, &c.

18. *And be it enacted*, That Edward B. Porter, of Somerville, be employed to print the report of the bureau of statistics. Bureau of statistics.

19. *And be it enacted*, That John F. Babcock, of New Brunswick, be employed to print the report of the secretary of state as commissioner of insurance. Insurance report.

20. *And be it enacted*, That it shall be the duty of the secretary of state to deliver, or cause to be delivered to the person or persons who shall be employed to print the copies of the laws, a copy of every law passed at this session of the legislature, within thirty days after the passage of each law, and on failure thereof, shall be compelled to pay to the person or persons employed to print the copies of the laws, any sum which he or they may have forfeited by reason of such default. Secretary of state to furnish copy.

21. *And be it enacted*, That all acts or parts of acts, conflicting with the provisions of this act, be and are hereby repealed. Repealer.

22. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXV.

An Act relating to the blending of real and personal taxes for the non-payment of which lands and real estate have been or shall be sold, and declaring that certificates or declarations heretofore or hereafter issued thereon, shall be valid for the full amount for which said lands and real estate might legally have been sold.

No sale of lands for non-payment of taxes to be set aside or reversed.

No certificate or declaration shall be annulled.

Provisions of this act made applicable in cases where real and personal taxes being liens on lands have been blended together.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands and real estate for non-payment of real or personal taxes which have been assessed upon or are liens upon such lands or real estate under any law of this state, shall hereafter be set aside, reversed or holden for naught in any court of this state for the reason that the said taxes, real and personal, have been blended together, and said lands and real estate, assessed for taxes or on which said taxes are a lien, sold for the full amount of such taxes so blended as aforesaid; and in all cases where certificates or declarations have been issued upon any such sale, and such sale is in any part thereof illegal either as against the owner, mortgagee, or other person having a legal or equitable interest in said premises so sold as aforesaid, the said certificate or declaration shall not be annulled, but so much thereof as equals the amount for which said lands and real estate were illegally sold as aforesaid, shall not be held to be a lien by virtue thereof.

2. *And be it enacted*, That the provisions of this act shall be applicable to all cases where said real and personal taxes being liens on lands and real estate as aforesaid, have been heretofore blended together as aforesaid, and such lands and real estate have been heretofore sold for the non-payment thereof; and all certificates and declarations heretofore issued upon such sales shall be as

good and valid for the amount of the tax for which said lands might have been lawfully sold as if said taxes for the full amount of which said lands have blended together as aforesaid.

3. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXVI.

An Act to enable the corporators of land companies that have not organized under their charters to change the titles of said companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the corporators of any land company chartered by the legislature of New Jersey to change the title of their company as they may elect; *provided*, no organization has already been effected under their charter; *and provided*, notice of said change of name be filed with the secretary of state within thirty days after such change.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXVII.

An Act for the relief of corporations organized under general laws.

Corporations
where term of ex-
istence has ex-
pired, continued
in existence until
a certain time.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company heretofore incorporated under any general law of this state, whose certificate of incorporation was filed in the manner and form prescribed by law, and which has continued and now continues to exercise its corporate rights and powers beyond the time limited in said certificate, is hereby continued as a corporation incorporated in said certificate with all the rights, powers, properties and estates and privileges as fully to all intents and purposes as if said certificate, when filed, had by its terms fixed the period for the continuance of said incorporated company until the fourth day of July, anno domini one thousand eight hundred and eighty-one, and all contracts, deeds, matters, acts and things heretofore entered into, made, done and performed by any such incorporated company, or its officers and agents, are hereby made valid and effectual in the law, in all respects, the same as if the said certificate of incorporation filed had by its terms fixed the period for the continuance of said incorporated company until the said fourth day of July, anno domini one thousand eight hundred and eighty-one.

Contracts, &c.,
heretofore enter-
ed into declared
valid.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXVIII.

An Act exempting firemen in cities from serving on juries.

Members of fire
department serv-
ing seven years
exempt from jury
duty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who has served or who shall have served seven years consecutively as a member of the fire department of any city of this state which is authorized to organize and control a fire department, shall be thereafter exempt from serving as a juror ; *pro-*

Proviso.

vided, he shall have filed in the office of the clerk of the county in which he shall reside, a certificate of such service made by the chief of such fire department or by the city clerk of such city.

2. *And be it enacted*, That this act shall be a public act, and shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXIX.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventeenth section of the supplement to the act to which this a supplement, approved March fourteenth, one thousand eight hundred and seventy-nine, and which reads as follows:

"17. *And be it enacted*, That whenever any existing company of the national guard is to be furnished for the first time with the regulation uniform adopted by this state, the quartermaster general is hereby authorized under the approval of the governor and commander-in-chief, to furnish the same at the contract price upon the requisition of the regimental or battalion commandant, properly approved, and it shall be the duty of the quartermaster general to notify the comptroller of the treasury on or before the first Monday in April of the sum charged against each company, battalion or regiment, for uniforms so furnished, issued to them by the quartermaster general, and that one-half of the amount so reported shall be by the comptroller of the treasury deducted from the annual appropriation from such com-

Section to be amended recited.

pany, battalion or regiment," be amended so as to read as follows:

Section as amended.
Regulation uniform, how furnished.

17. *And be it enacted*, That whenever any existing company of the national guard is to be furnished for the first time with the regulation uniform adopted by this state, the quartermaster general is hereby directed to purchase, under the approval of the commander-in-chief, and to furnish the same at the contract price, upon the requisition of the regimental or battalion commander, properly approved; the cost of the uniforms shall be paid by the treasurer, upon the warrant of the comptroller; and it shall be the duty of the quartermaster general to notify the comptroller of the treasury, on or before the first Monday in April of each year, of the sum charged against each company, battalion and regiment, for uniforms so furnished, issued to them by the quartermaster general, and that one-fourth of the amount so reported shall be, by the comptroller of the treasury, deducted from each of the two next succeeding annual appropriations for such company, battalion or regiment.

2. *And be it enacted*, That section one of the supplement to the act to which this is a supplement, which supplement was approved February seventeenth, one thousand eight hundred and seventy-three, and which reads as follows:

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid, on the first Monday of April in each year, to the brigade paymaster, of each brigade of the national guard, the sum of five hundred dollars, to be expended by the said brigade paymaster, on the approval of the commandant of the brigade, for military expenses incident to a brigade organization; and the sum of three hundred dollars, to be expended by the said brigade paymaster, on the approval of the commandant of each regiment, for military expenses incident to a regimental organization," be and is hereby amended so as to read as follows:

Section as amended.
Amount of money to be paid to paymasters of brigades, regiments and battalions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be paid, on the first Monday in April of each year, to the brigade paymaster of each brigade of the national guard, the sum of five hundred dollars, to be expended by the said

brigade paymaster, on the approval of the commandant of the brigade, for military expenses incident to a brigade organization; and the sum of five hundred dollars, to regimental paymaster of each regiment of the national guard, and three hundred dollars to the battalion paymaster of each battalion, to be expended by the said regimental and battalion paymasters respectively, and on the approval of the commandant of said regiment or battalion, for military expenses incident to the regimental or battalion organization.

3. *And be it enacted*, That all acts and parts of acts in- Repealer.
consistent herewith be and the same are hereby repealed,
and that this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXX.

A Supplement to an act entitled "An act to regulate elections," approved April eighteenth, anno domini one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly* Secretary of state to prepare and furnish election blanks, &c.
of the State of New Jersey, That it shall be the duty of the secretary of state, on or before the first day of October of each year, to prepare and send to the county clerks of the several counties in this state, the necessary blanks for election returns for use at annual elections and elections for justices of the peace and other county officers, together with a printed copy of the election laws of this state in force at that time; and it shall be the duty of the county clerks by whom such blanks are Duty of county clerks.
received to send the same during the months of October of each year to each township clerk and the clerks of election boards in their respective counties, for use at the annual elections and elections for justices of the peace and other county officers; and the officers of election shall, at the close of the election, place the copy of the

election law so received in the ballot box for use at the next election.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXXI.

An Act concerning cities.

Common council
may divide city
into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any city shall have a common council and shall not have been divided into wards, it shall be lawful for the common council of such city, as soon as practicable after the passage of this act, to divide such cities into two wards.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXXII.

An Act authorizing the cities of this state to appropriate moneys for the celebration of the fourth of July, Washington's birthday and decoration day.

Cities authorized
to appropriate
money for the
celebration of
certain days.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common councils, boards of aldermen, boards of finance,

or other governing bodies of any city in this state, in addition to the powers conferred upon them by their respective charters, to appropriate such sums of money as they may deem expedient for the celebration of fourth of July, Washington's birthday and decoration day in each year.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXXIII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to provide for the organization of the state lunatic asylum, and for the care and maintenance of the insane,'" which supplement was approved April first, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section numbered one of said supplement, which reads as follows, viz:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful to charge three dollars and fifty cents per week for keeping in the asylum any pauper or indigent person sent to the asylum in accordance with the twentieth, twenty-first and twenty-second sections of the act to which this is a supplement," be and the same is hereby amended so that the same shall read as follows, viz:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful to charge three dollars per week for keeping in the asylum any pauper or indigent person sent to the asylum in accordance with the twentieth,

Section to be amended recited.

Section as amended.
Lawful charge per week for keeping paupers or indigent persons.

twenty-first and twenty-second sections of the act to which this is a supplement.

Act when to take effect. 2. *And be it enacted*, That this act shall take effect May 15th, 1880.

Approved March 10, 1880.

CHAPTER CXXXIV.

A Supplement to an act entitled "An act to amend and consolidate the several acts relating to game and game fish," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth section of the act to which this is amendatory, and which said section reads as follows, to wit:

Section to be amended recited.

"6. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any woodcock, between the first day of January and the fourth day of July, in any year, under a penalty of ten dollars for each bird so killed or had in possession," be amended so that the same shall read and be enacted as follows:

Penalty for killing or exposing for sale woodcock between certain dates.

6. *And be it enacted*, That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any woodcock, between the first day of January and the first day of September, in any year, under a penalty of ten dollars for each bird so killed or had in possession.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXXV.

An Act relative to the taking of the census of school children.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, in all cities wherein there now are, or may hereafter be, school boards, boards of education, or boards of school trustees, the enumeration and census of the children of school age in such cities shall be made and taken annually on or before the first day of June by the clerk or secretary of said boards or by such other person or persons as may be appointed by said boards for such purposes, and a report thereof, duly attested by affidavit as correct, filed with the board of education or school trustees, who shall procure the same to be reported to the county superintendents of their respective counties. Census of school children to be taken in cities.

2. *And be it enacted*, That the enumeration and census so as aforesaid made and taken, shall contain the name in full and age of each child, and the name and residences of their parents, and the person or persons making the said census and reporting the same, shall be entitled to such price not less than three nor more than five cents, as may be fixed by the said school boards. Census how taken. Fee for each name.

3. *And be it enacted*, That all acts and parts of acts, local or special, inconsistent with this act, are hereby repealed, and that this act shall be deemed a public act, and shall take effect immediately. Repealer.

Approved March 10, 1880.

CHAPTER CXXXVI.

An Act to protect the health of boys and girls, and secure to parents the control of their children.

No spirituous liquors ale or beer to be sold to any person under eighteen years if parent or guardian shall forbid in writing, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no vinous, spirituous or other alcoholic liquors, and no ale, strong beer, lager, porter or other malt liquors, shall be sold or given, in in great or small quantities, to any boy or girl under the age of eighteen years, by any wholesale or retail liquor dealer, any tavern keeper, saloon keeper or other dealer in such alcoholic or malt liquors, their servants or agents, if the parent or guardian of said boy or girl shall forbid in writing or verbally such sale or gift.

Tavern and saloon keepers not to allow any boy or girl to lounge or frequent their places.

2. *And be it enacted*, That no saloon keeper, tavern keeper or other dealer in alcoholic or malt liquors shall permit any boy or girl, under the age of eighteen years, to lounge in or frequent the rooms or places where such liquors are kept or sold, if the parent or guardian of such boy or girl shall notify the saloon or tavern keeper or other dealer in such liquors not to permit the child to visit their rooms or places.

Penalty for violation of this act.

3. *And be it enacted*, That for every such offence against this act, the party offending shall forfeit and pay the sum of sixty dollars, which penalty shall be recovered in an action of debt, and given to the overseer of the poor of the township in which such offence occurs, for the use of the poor.

Actions how instituted.

4. *And be it enacted*, That the action for the recovery of the penalty aforesaid, shall be instituted in the circuit court or court of common pleas of the county in which the offence occurred, and shall be in the corporate name of the township in which the offence occurred, and the name of the person complaining shall be joined as co-plaintiff in such action.

5. *And be it enacted*, That in case judgment is recovered for penalty, full costs of suit shall be taxed and recovered against the defendant or defendants, as in the case of judgment for debts or damages over one hundred dollars, and execution for said penalty and costs shall issue against the goods and chattels, lands, tenements, and hereditaments of such defendant or defendants, and in default of any personal or real property to satisfy such execution, that the body of such defendant shall be taken and confined in the common jail of the county until such execution is paid or the court orders his discharge from custody; *and further*, such defendant or defendants shall not have the benefit of the insolvent laws.

Judgments and costs of suit how taxed and recovered.

6. *And be it enacted*, That in any action instituted to recover the penalty aforesaid, and judgment shall be rendered in favor of defendant, he or she shall recover from the complainant joined as aforesaid as co-plaintiff, full costs of suit, as now taxed by law in the circuit court or court of common pleas, and shall have the like execution against such complainant as is heretofore provided in case judgment is rendered against such defendant.

Execution may issue for recovery of penalty, &c.

7. *And be it enacted*, That if the provisions of this act shall be violated more than three times within six months by the same person, his agents or employees, that he or she shall be indictable for misdemeanor, and, on conviction, shall be punished by a fine not exceeding two hundred dollars, or imprisonment in the county jail not exceeding six months, or both.

Penalty for violation of this act, &c.

Approved March 10, 1880.

CHAPTER CXXXVII.

An Act to repeal an act entitled a "Supplement to an act entitled 'An act to establish a system of public instruction,'" approved March fourteenth, one thousand eight hundred and seventy-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled a supplement to an act entitled an act to establish a system of public instruction, approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby repealed.

2. *And be it enacted*, That the above is hereby repealed, to take effect immediately.

Approved March 10, 1880.

CHAPTER CXXXVIII.

An Act to provide for the arbitration of labor disputes.

Preamble.

WHEREAS, Disputes between workingmen and their employers frequently result in protracted strikes, which cause great loss to both parties and to the community at large, and disturb the amicable relations which ought to exist between labor and capital; *and whereas*, it is desirable to provide some legal method for submitting such differences to arbitration, with a view to an honorable, satisfactory and speedy settlement; therefore,

Employees dissatisfied with wages, &c. may name arbitrator, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if a majority of the employees in any manufacturing establishment, or in any particular department thereof, shall give notice to their employer or employers in writing, signed by themselves, that they are dissatisfied with the terms or conditions on which they are employed, or with the wages they are receiving, or with any proposed reduction of their wages or proposed alteration of the terms or conditions on which they are employed, and that they propose to submit the matters complained of to arbitration, and shall name an arbitrator to represent them; and if such

employer or employers cannot adjust such differences, it shall be the duty of such employer or employers, if they choose to accept this method of compromise, to nominate and appoint in writing an arbitrator to represent him or them, and to give notice to said employees of such appointment.

Employers may appoint arbitrator, &c.

2. *And be it enacted*, That the two arbitrators so as aforesaid appointed, shall forthwith meet and proceed to select a third arbitrator; and the said three arbitrators shall without unnecessary delay notify the employees and the employer or employers of the time and place, when and where they will meet to hear arguments on the matters in dispute, which meetings shall be held under such conditions, rules and regulations as the said arbitrators may mutually agree upon; the questions at issue shall be submitted to the arbitrators in writing, and their decision shall be confined to the questions so submitted; either of such arbitrators may administer an oath or affirmation to any person testifying before them, and any person so sworn who shall testify falsely, shall be deemed guilty of perjury; either of the parties to such arbitration may be represented before the arbitrators by counsel, if they so desire, and the arguments may be oral or in writing, as the parties themselves may respectively prefer.

Arbitrators to select another and their duties.

3. *And be it enacted*, That the finding of the said arbitrators shall be reduced to writing, and a copy thereof served upon each of the parties to the dispute, or upon their respective representatives, and shall be deemed to be binding upon both parties submitting the matters in dispute to arbitration, and shall take effect from the date of the finding, unless some other time is fixed in the finding for the taking effect thereof.

Finding of arbitrators to be binding upon all parties.

4. *And be it enacted*, That the costs of arbitration shall be fixed and paid as the parties may previously or mutually agree, and if not so agreed upon, they shall be fixed and paid as the arbitrators themselves may decide.

Costs of arbitration by whom paid.

5. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXXXIX.

An Act to authorize railroad corporations to surrender their franchises, and to dispose of their property.

Railroad corporations may be dissolved by filing a certificate in secretary of state's office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the holders of a majority of the capital stock of any railroad corporation which has no bonded indebtedness, and which does not receive from the operation of its road moneys sufficient to meet and satisfy its expenses, shall deem it best to surrender the corporate rights, powers, privileges and franchises of, and to dissolve such corporation, it shall be lawful for such corporation to make such surrender, by filing in the office of the secretary of state, for this state, a certificate, under the corporate seal of said corporation, and attested by the president and secretary thereof, setting forth that the holders of a majority of the capital stock had deemed it best to surrender the corporate rights, powers, privileges and franchises of said corporation, for the reason aforesaid; and upon the filing of such certificate, as aforesaid, the said corporation shall *ipso facto* be dissolved.

Directors to act as trustees and empowered to sell the property of the corporation.

2. *And be it enacted*, That the persons who shall be acting as directors of such corporation at the time of such surrender, shall, immediately thereafter, as trustees for the stockholders, proceed to sell all the property of said corporation at public or private sale, at and for the highest price and upon the best terms attainable; and after deducting from the proceeds of such sale, the necessary expenses thereof, and all liabilities of such company shall distribute the balance thereof among the stockholders in proportion to the amount of stock they may hold.

Repealer.

3. *And be it enacted*, That this act shall take effect

immediately ; and all acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 10, 1880.

CHAPTER CXL.

An Act to authorize the formation of turnpike corporations, and regulate the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons not less than seven, may form a company for the purposes of constructing, maintaining and operating a turnpike for the public use, and for that purpose may make and sign articles of association, in which shall be stated the name of the company, the number of years the same is to continue, the places from and to which the same is to be constructed or maintained and operated, the length of such road as near as may be, and the name of each county and the townships through or into which it is made or intended to be made; the amount of the capital stock of the company, which shall not be less than five hundred dollars for every mile of road constructed or proposed to be constructed, and the number of shares of which said capital stock shall consist, and the names and places of residence of the said seven directors of the company, the majority of whom shall be residents of this state, who shall manage its affairs for the first year, and until others are chosen in their places; each subscriber of such association shall subscribe thereto his place of residence, and the number of shares of stock he agrees to take in said company; said articles of association shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed, and record the same in a book to be provided by him for that purpose; and upon tendering the said articles to the secretary of state, to be filed, the persons who have so

Persons may form a turnpike company.

Amount of capital stock.

Articles of association to be filed in office of secretary of state.

subscribed such articles of association, and all persons who shall become stockholders in such company, shall be a corporation by the name specified by such articles of association; every corporation formed under this act, in addition to the general powers set forth in an act entitled "An act concerning corporations," approved February fourteenth, one thousand eight hundred and forty-six, and the several supplements thereto, shall have power:

Powers granted to corporations formed under this act.

To cause surveys to be made, and may enter on lands, &c.

I. To cause such examination and surveys for its proposed turnpike to be made as may be necessary to the selection of the most advantageous route, and for such purposes by its officers and servants to enter upon the lands or waters of any person, but subject to the responsibility for all damages which shall be done thereto;

To take and hold voluntary grants.

II. To take and hold such voluntary grants of real estate and other property as may be necessary for the construction and maintenance and accommodation of its turnpike; but the real estate received as a voluntary grant shall be held and used for the purposes of such grant only;

To purchase, hold and use real estate.

III. To purchase, hold and use all such real estate or other property as may be necessary to accomplish the objects of its incorporation;

To lay out and construct road, &c.

IV. To lay out its road as hereby provided, and to construct the same, and for the purposes of cuttings and embankments, to take as much more land as may be necessary for the proper construction and security of said turnpike;

Other powers.

V. To exercise all other powers hereby granted.

When articles are not to be filed.

2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state until at least three hundred dollars of stock for every mile of turnpike proposed to be made is subscribed thereto, and ten per centum paid thereon in good faith, to the directors named in said articles of association, nor until there is endorsed thereon or annexed thereto, an affidavit made by at least five of the directors, named in said articles that the amount of stock required by this section, has been in good faith, subscribed, and ten per centum paid thereon as aforesaid, and that it is intended in good faith to construct or maintain and

operate the turnpike mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid.

3. *And be it enacted*, That a copy of any of the articles of the association filed and recorded in pursuance of this act, or of the record thereof with the copy of the affidavit aforesaid endorsed thereon, or annexed thereto and certified to be a copy by the secretary of state, shall be presumptive evidence of the incorporation of such company, and of the facts therein stated. Copy of articles, &c., to be evidence.

4. *And be it enacted*, That there shall be a board of seven directors of every corporation formed under this act, and they shall be chosen annually by the stockholders at such time and place as shall be provided by the by-laws of the corporation, and shall hold their office for one year and until others are chosen and qualified in their stead; and one of the directors shall be chosen president, either by the directors or by the stockholders, as the by-laws of said corporation shall direct. Board of directors, to be elected annually, &c.

5. *And be it enacted*, That the secretary and treasurer shall also be chosen by the directors or stockholders, as the by-laws may direct, and shall hold their offices until others are chosen and qualified in their stead; the secretary shall be sworn to the faithful discharge of his duties, and the treasurer shall give bond in such sum and with such sureties as shall be required by the by-laws, for the faithful discharge of his duties. Office of secretary and treasurer.

6. *And be it enacted*, That the directors may require the subscribers to the capital stock of the corporation to pay the amount by them respectively subscribed in such manner and in such instalments as they may deem proper; if any stockholder shall neglect to pay any instalment as required by a resolution of said board of directors, the said board shall be authorized to declare his stock and all previous payments thereon forfeited for the use of the corporation; but they shall not declare it so forfeited until they shall have caused notice in writing to be served on him personally, or depositing the same in the post office properly directed to him, at the post office nearest his usual place of residence, stating that he is required to make such payments at the time and place specified in said notice, and that if he fails to make the Subscription to capital stock may be paid in instalments.
Neglect to pay instalments, stock may be declared forfeited.

same his stock and all previous payments will be forfeited for the use of the company, which notice shall be served as aforesaid at least thirty days previous to the day on which such payment is required to be made; *provided*, that if such company shall not declare such stock forfeited, then such neglecting stockholder shall be individually liable to said corporation for the amount unpaid upon the stock so held by him until the whole amount of the capital stock so held by him shall have been paid to said company.

7. And be it enacted, That the stock of every company formed under this act shall be deemed personal estate, and be transferable in the manner prescribed by the by-laws of the company, but no shares shall be transferable until all previous calls thereon shall have been fully paid in.

8. And be it enacted, That any turnpike constructed under the provisions of this act shall not exceed fifty feet in width, unless more land shall be required for the slopes of cuts and embankments; and it shall be lawful for the said company, its agents, engineers, superintendents or others in its employ to enter at all times upon all lands or waters for the purpose of exploring, surveying, leveling and laying out the route or routes of such turnpike, and of locating the same, and to locate all necessary buildings, bridges and conveniences, doing no unnecessary injury to private or other property, and when the route or routes of such turnpike, and the location of such buildings, bridges and conveniences shall have been determined upon, and a survey of such route or routes, location or locations deposited in the office of the clerk of the court of common pleas of said county through which the proposed turnpike is to be built, then it shall be lawful for every corporation formed under this act, upon payment or tender of such compensation as is hereafter provided by its officers, agents, engineers, superintendents, workmen and other persons in their employ, to construct, maintain and operate a turnpike between the points named in the articles of association, commencing at or within and extending to or into any town, city or village named as the place of the *termini* of such road, and for that purpose may enter upon, take possession of,

Proviso.

Stock deemed personal property and how transferred.

Width of road.

Agents, engineers, &c., may enter lands and locate route, &c.

hold, have, use and excavate any lands, and to erect embankments, bridges and all other necessary works, May erect embankments, bridges, &c. and to do all other things which may be suitable or necessary for the completion, repair or management of said company, and for the convenience of travelers, to and from the terminus thereof; *provided, always,* Proviso. that the payment or tender of the payment of all damages for the occupancy of all lands through, under or upon which the said turnpike, its conveniences, appurtenances and appendages may be laid out or located, be made before the said company or any person under their direction or employ shall enter upon or break ground in the premises, except for the purposes of surveying and laying out said turnpike and of locating the same, unless the consent of the owner or owners of such lands be first had and obtained.

9. *And be it enacted,* That when any company incorporated under this act or its agents cannot agree with the owner or owners of such required lands for materials, or the use or purchase thereof, or when by the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land or materials so required for the use of such company incorporated under this act, in the construction of said turnpike, shall be given in writing under oath or affirmation of some engineer or proper agent of the company and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause any company incorporated under this act to give notice thereof to the persons interested, if known and in this state, or if unknown and out of this state, to make publication thereof as he shall direct, for any term not less than ten days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint under his hand and seal, three disinterested, impartial and judicious freeholders, residents in the county in which the land or material in controversy lie or the owners reside, commis- Proceedings in case the company cannot agree with the owner or owners of lands Justice of the supreme court to appoint commissioners.

Commissioners to examine and appraise the said land or materials, and to assess the damages upon such, notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than ten days; and it shall be the duty of said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question and to make a true report according to the best of their skill and understanding), to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisal of the value of the same, and an assessment of damages to be paid by the company for such lands or materials and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situate, to remain of record therein, and thereupon and on payment or tender of payment of the amount awarded, as hereinafter provided, the said company is hereby empowered to enter upon and take possession of the said lands and materials for the purposes aforesaid, and the said report or a copy thereof, certified by the clerk of said county, and proof of payment or tender of the amount awarded shall at all times be considered as plenary evidence of the right of any company incorporated under this act to have, hold, use, occupy, possess and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer; and the said justice of the supreme court shall, upon application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons perform-

Commissioners
to take oath.

Report to be
made and filed.

Upon payment of
amount awarded
company empow-
ered to enter upon
and take posses-
sion of land.

ing any of the duties prescribed in this section as he shall think equitable and right, which shall be paid by the company; *provided always*, that should any company incorporated under this act, or the owner or owners of any of the land or materials, feel aggrieved by the decision of the said commissioners aforesaid, he, she or they may appeal to the next circuit court in the county wherein the said land or material may be. ^{Proviso.}

10. *And be it enacted*, That every appeal from the decision of the commissioners appointed under the preceding section, shall be made in writing, and in the form of a petition to said court, and filed with the clerk of said circuit court of the county wherein the land or materials appraised by the said commissioners shall be, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing thereof, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same, and to direct a proper issue for the trial of said controversy, to be formed between the said parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court, to be holden in the said county, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then judgment thereon with cost shall be entered against any company incorporated under this act, and execution awarded therefor; but if the said jury shall be applied for by the owner or owners, and shall find a less sum than the said company shall have offered, or the said commissioners shall have awarded, then costs shall be paid by the said applicant or applicants, and either deducted out of said sum found by the jury, or execution awarded therefor as the court shall direct; but such application shall not prevent the company from taking the said lands upon filing the report aforesaid; *provided*, ^{Proceedings in case of appeal from decision of commissioners.} ^{Proviso.} that in no case whatever shall said company incorporated under this act, enter upon or take possession of any land of any person or persons for the purpose of actually con-

structing said turnpike, or of making any erection or improvements whatever, until they have paid to the party or parties entitled to receive the same, the amount assessed by the commissioners as the value of such land or damages in case the report of the commissioners is not appealed from ; or if the same is appealed from then the amount which shall be found by the jury by whom the issue shall be tried ; but in case the party or parties entitled to receive the amount assessed by the commissioners in case there shall be no appeal, and in case of appeal the amount found by the jury, shall refuse, upon tender thereof being made, to receive the same, or shall be out of the state or under any legal disability, then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein the said lands lie, shall be deemed as valid and legal payment ; *and further*, that the party or parties entitled to receive the amount assessed by the commissioners may, upon tender thereof being made, receive the same without being barred thereby from his or her appeal from the report of the commissioners ; and on such tender or payment of the money into court, in case it be refused as aforesaid, or in case the said company incorporated under this act shall appeal from the finding of the said commissioners, then the said company on payment of the amount assessed or found as aforesaid, into said circuit court, shall be empowered to enter upon and take possession of said lands, and proceed with the work of constructing its turnpike.

Proviso.

Rates of toll may
be demanded.

11. *And be it enacted*, That it shall and may be lawful for said company incorporated under this act, at all times to take, demand and receive of and from every person or persons who shall pass over the said turnpike when they shall enter upon the same, the following rates of toll, and no more, per mile :

For every person on horse or mule,	ten cents ;
For all wagons, carts, sleighs or sleds drawn by one horse, mule or ox, each,	fifteen cents ;
For all one-horse pleasure carriages, each,	twenty cents ;

For all two-horse pleasure carriages
or stages, each twenty-five cents ;
For all two-horse mule or ox wa-
gons, carts, sleighs or sleds, each, twenty cents ;
For all horned cattle or horses, each, six cents ;
For all hogs, calves or sheep, each, two cents ;
and all other articles and things not herein enumerated,
to be in equitable proportion ; *provided always*, that said Proviso.
directors may, in their discretion, reduce the rates.

12. *And be it enacted*, That it shall be lawful for any Toll gatherers
may stop per-
sons, &c., until
toll is paid.
toll gatherer of any company incorporated under this
act, to stop any person or persons with wagons, carts,
sleighs or sleds, all pleasure wagons and all horned cattle,
horses, hogs, calves and sheep, from passing over said
turnpike until the toll beforementioned shall have been
paid ; *provided*, that the provisions of this act shall not Proviso.
apply to or be enforced against any funeral procession, or
any person who may, upon the first day of the week,
commonly called Sunday, desire to pass over said turn-
pike in going to or returning from divine service at the
place where they usually attend the same.

13. *And be it enacted*, That the said company shall Time of com-
mencement and
completion.
commence the proposed turnpike, within six months
from the date of their organization, and complete the
same in two years from the date of commencement as
aforesaid ; *provided*, that any company now or hereafter Proviso.
organized under said entitled act, has been or shall be
restrained, prevented or enjoined by the order of any
court or judge thereof or by any proceedings whatever
at law or in equity from prosecuting the work on its
turnpike or from opening or completing its said turn-
pike, the time which any such company has been or
shall be restrained, prevented or enjoined shall not be
taken or computed, as any part of the time allowed and
limited in said section for the opening and completion of
said turnpike or any section thereof.

14. *And be it enacted*, That this act shall not apply to Act not to apply.
any county which may be separate from the sea-beach,
and any company incorporated under this act shall have Company incor-
porated empow-
ered to erect
draw bridges.
the power to construct sufficient draw-bridges over
thoroughfares and small creeks which are navigable for

fishing boats and small vessels only, which may separate any sea inland beach from the main land.

Company incorporated may borrow money and issue bonds.

15. *And be it enacted*, That any company incorporated under this act shall have power to borrow such sum or sums of money from time to time, not to exceed in the whole its paid up capital stock, as shall be necessary to build and repair said turnpike and to secure the repayment thereof, by the execution, negotiation and sale of any bond or bonds, and secured by mortgage on said lands, privileges, franchises and appurtenances of and belonging to said company.

16. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately.

Approved March 10, 1880.

CHAPTER CXLI.

An Act to provide means to increase the fish production of the waters of this state.

Appropriation for defraying cost of procuring, hatching and distributing food fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work now in progress by the commissioners of fisheries of this state, of stocking the waters of this state with salmon, trout, bass, carp and other valuable food fishes, there is hereby appropriated the sum of five thousand dollars, which shall be paid to the commissioners of fisheries by the state treasurer on the warrant of the state comptroller, drawn upon the requisition of the said commissioners, and shall be by them expended in defraying the cost of procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they may deem advisable to restore and increase the fish production of the waters of the state.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLII.

An Act to establish a license and excise department in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city in this state containing more than fifteen thousand inhabitants to provide by ordinance for a department to be called the license and excise department; the mayor shall be, ex-officio, the head of such department; the other members of the department shall be appointed by the mayor, with the consent of the city council, and shall hold their office for such term, and shall perform such duties, and be paid such compensation as shall be prescribed by the ordinance creating the department; such ordinances shall define and lay down rules and regulations for the granting of licenses, in respect to all subjects in which the power of licensing is determined to be exercised by said city, and shall prescribe the penalties to be inflicted for the violation of such ordinance; *provided*, Cities may provide an excise department by ordinance. that the provisions of this act shall not apply to any city in this state in which the granting of such licences is now vested in a board of excise or excise commissioners, or to any city wherein the courts of common pleas now grant licenses. Members of the department how appointed and their term of office.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLIII.

An Act to amend the act entitled "A supplement to an act entitled 'An act concerning savings banks,'" approved April twenty-first, one thousand eight hundred and seventy-six, which supplement was approved April fifth, one thousand eight hundred seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of said act intended to be hereby amended as aforesaid, which section reads as follows :

Section to be
amended recited.

"3. *And be it enacted*, That if, notwithstanding such order, and after the elapsing of time sufficient in his discretion for the prevention of its insolvency, in no case to exceed three years, said institution shall, on examination by or at the instance of the chancellor, be found unable to return the deposits and pay its debts, the chancellor shall by order direct the cessation of its business, except so far as shall be necessary to collect and distribute the assets equally among those entitled to share the same, appointing a receiver or receivers, or continuing such directors or managers, or any of them, as he shall deem best ; and thereupon said assets shall, under his direction be collected or their value realized by sale, and distribution being made as aforesaid," be amended to read as follows :

Section as
amended.

Chancellor to
appoint receiver
or receivers, at
his discretion.

3. *And be it enacted*, That if, notwithstanding such order, and after the elapsing of time sufficient in his discretion for the prevention of its insolvency, said institution shall, on examination by or at the its instance of the chancellor, be found unable to return deposits and pay its debts, the chancellor shall by order direct the cessation of its business, except so far as shall be necessary to collect and distribute its assets equally

among those entitled to share the same, appointing a receiver or receivers or continuing such directors or managers, or any of them as he shall deem best, and thereupon said assets shall under his direction, be collected or their value realized by sale and distribution, shall be made as aforesaid; and it shall be lawful for the chancellor by final decree directing such distribution, in his discretion, to adjudge whether or not the charter of said corporation shall be void.

2. *And be it enacted*, That the chancellor has and shall have power at any time to make order authorizing the reception by such institution of new deposits and directing the investment thereof, in such classes of securities as shall in his judgment be for the profit of such depositors, in which securities only the parties making such new deposits or their assigns, shall have any interest or right.

Chancellor may authorize reception of new deposits and direct the investment of the same.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLIV.

A Supplement to an act entitled "An act concerning roads" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any surveyors of the highways shall have been or shall be duly appointed by the inferior court of common pleas of any county in this state, to meet and lay out, alter or vacate a public road in such county, the persons so appointed as such surveyors shall be required to meet and perform the duties assigned them by such appointment, notwithstanding the term of office of any or all of them may have expired subsequent to such appointment, and any

surveyors of highways to meet and perform duties, notwithstanding term of office has expired.

act or acts by them done or to be done, in pursuance of such appointment, shall be as valid to all intents and purposes as if the persons so appointed were at the time of doing such act or acts, surveyors of the highways duly qualified and sworn as such.

2. *And be it enacted*, That this shall be deemed and taken as a public act and shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLV.

A Further Supplement to an act entitled "Act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time fixed by any law of this state for holding a municipal election in any city of the state falls upon the day fixed by law for the meeting of the boards of registry to prepare a register for the ensuing state and county election, such meeting of the boards of registry shall be held upon the day following such municipal election.

When day of election falls upon registry day, the board of registry to be held on the day following.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLVI.

An Act to amend "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in counties where there are incorporated cities or towns (outside of the county seat) of five thousand inhabitants or more, the public laws shall be published in one newspaper in said incorporated city or town, including the laws of the present session of the legislature; the governor and comptroller to designate such newspaper under the same regulations and restrictions and at the same compensation as is provided in the act to which this is a supplement.

Publication of laws to be published in newspapers of certain incorporated cities.

2. *And be it enacted*, That the laws especially applying to any particular county, shall be published only in the newspapers in said county affected thereby.

Special public laws how published.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLVII.

Supplement to an act "An act for the punishment of crimes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifty-sixth section of the act to which this is a supplement, and which reads as follows:

Section to be amended recited.

"56. *And be it enacted*, That if any person shall bet or wager upon the running, pacing or trotting of any horses mares or geldings, or shall be concerned in making up any purse for any such running, pacing or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine, not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court," shall be amended so that the same shall read as follows:

Section as amended.
Penalty for any persons who are not authorized for making up a purse for running, pacing or trotting of horses.

56. *And be it enacted*, That if any person not authorized by an agricultural society or incorporated body of this state shall be concerned in making up any purse for any running, pacing or trotting of any horse or horses, mares, or geldings, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

2. *And be it enacted*, That the fifty-seventh section of the act to which this is a supplement, and which reads as follows:

Section to be amended recited.

"57. *And be it enacted*, That if any person shall be a stakeholder of any sum of money or other thing betted, staked or wagered upon any such running, pacing or trotting, or shall cause to be printed or set up any paper or other thing notifying or advertising any such running, pacing or trotting, or shall be the rider or driver of any horse, mare or gelding in any race, of either running, pacing or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court," shall be amended so that the same shall read as follows:

Section as amended.
Penalty for any such person who is a stakeholder, rider or driver of any horse.

57. *And be it enacted*, That if any person shall be a stakeholder of any sum of money or other thing betted, staked or wagered upon any such running, pacing or trotting, or shall cause to be printed or set up any paper

or other thing notifying or advertising any such running, pacing or trotting, or shall be the rider or driver of any horse, mare or gelding in any race, of either running, pacing or trotting, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

3. *And be it enacted*, That the fifty-eighth section of the act to which this is a supplement, and which reads as follows :

"58. *And be it enacted*, That if any person shall contribute or collect, or shall ask any other person to contribute or collect any money, goods, or chattels, to make up a purse, plate or other thing to be run, paced, or trotted for by any horse, mare or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court," shall be amended so that the same shall read as follows :

Section to be amended recited.

58. *And be it enacted*, That if any such person shall contribute or collect, or shall ask any other person to contribute or collect any money, goods or chattels, to make up a purse, plate, or other thing to be run, paced or trotted for by any horse, mare or gelding at any place in this state, such person shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

Penalty for asking any person to contribute or collect any money to make up a purse, &c.

4. *And be it enacted*, That section fifty-nine of the act to which this is a supplement, and which reads as follows :

"59. *And be it enacted*, That if any person or persons shall let or rent his, her or their land for the purpose of a race course for the running, pacing or trotting any horses, mares or geldings, or shall knowingly suffer any such running, pacing or trotting upon lands belonging to him, her or them, or of which he, she or they may be in possession, such person or persons shall be deemed

Section to be amended recited.

guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court," shall be amended so that the same shall read as follows:

Penalty for any person who shall rent, or let their land for the purpose of race course.

59. *And be it enacted*, That if any person or persons shall let or rent his, her or their land for the purpose of a race course for the running, pacing or trotting any horses, mares or geldings, or shall knowingly suffer any such running, pacing or trotting upon lands belonging to him, her or them, or of which he, she or they may be in possession, such person or persons shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, at the discretion of the court; *provided, however*, that this section shall not apply to fairs, agricultural societies, or any incorporated body of this state.

P. viso.

Penalty for any person or persons to contribute or ask any person to contribute or collect a purse to make a purse, &c.

5. *And be it enacted*, That no person or persons shall make up any purse, plate, or other thing for any running, pacing or trotting of any horses, mares or geldings, or contribute or collect, or ask any other person to contribute or collect any money, goods, or chattels, to make up any purse, plate, or other thing to be run, paced or trotted for by any horse, mare or gelding, at any place in this state, except when authorized by a fair, or agricultural society, or an incorporated body of this state, and within the exterior enclosure where the exhibitions of speed are to take place; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both, at the discretion of the court.

Repealer.

6. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLVIII.

An Act relative to the prosecution of persons for the violation of the ordinances of any city in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful hereafter in any prosecutions made under any ordinance or ordinances in any city of this state, when judgment shall have been given in favor of the said city and against any defendant or defendants so had and commenced, to issue execution against the goods and chattels and persons of the defendant or defendants, including females. Executions may issue against goods, chattels and persons of defendants, &c.

2. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CXLIX.

An Act to increase the powers of township committees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of the several townships of this state shall hereafter have the following powers in addition to the powers now vested by law in township committees, viz: Powers of township committees.

To prevent and suppress disorderly assemblages.	To prevent and suppress breaches of the peace and disorderly assemblages in any street, house or place in the township, and to suppress disorderly houses therein, and to call upon the constables of said township to accomplish such purposes;
To act as board of health.	To act as a board of health in case of the prevalence of epidemic diseases;
To exercise powers with overseers of highways.	To exercise either in connection with the overseers of highways or independently the same power and authority now vested by law under section forty-five of the General Road Law (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, in said overseers to enter upon lands to make and open gutters, drains and ditches in order to let off water from the highways and all other powers given to said overseers in said section forty-five, and to direct the town assessor and the town collector respectively to assess and collect sufficient taxes to pay for the expense of the same;
To abate and remove nuisances.	To abate and remove nuisances and at the expense of the occupant or owner, to cleanse and disinfect premises where nuisances detrimental to health are maintained;
To compel side walks to be kept in good condition.	To compel the abutters to keep the sidewalks where the same are much travelled, free from snow and ice and other impediments, and to keep said sidewalks in a safe, convenient and passable condition at all seasons;
To exercise powers of overseers of highways.	To exercise either in connection with the overseers of highways or independently the same powers and authority now vested by law in overseers of the highways, to cause to be opened or made safe any highway or bridge, which may be impassable or dangerous according to the provisions of section fifty-six, of the General Road Law (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.
Town committees may pass ordinances and prosecute offenders, &c	2. <i>And be it enacted</i> , That for the enforcement of the foregoing provisions of this act, the town committees may enact and pass any ordinances which do not conflict with the constitution of this state or of the United States, and may in the name of clerk of the township prosecute offenders against the provisions of this act, or of the said ordinances before any justice of the peace elected in the township.

3. *And be it enacted*, That for each and every offence against the provisions of this act, or of the said ordinances to be enacted in accordance with the same, the person so offending shall upon conviction pay a fine of not to exceed one hundred dollars. Penalty for violation of this act and ordinances.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLI.

A Supplement to an act entitled "An act to incorporate and regulate telegraph companies," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any telegraph or telephone company, organized by virtue of the act to which this is a supplement, or by virtue of any special act, shall apply to the common council or other legislative body of any incorporated city or town through which it is intended to construct their telegraph line, for a designation of the streets in which the posts or poles of such company may be erected, it shall be the duty of such common council or legislative body to give to such company a writing designating the streets in which the posts or poles shall be placed, and the manner of placing the same, subject in other respects to the provisions of the act to which this is a supplement. On application common council to designate in writing the streets in which posts or poles shall be placed and the manner of placing the same.

2. *And be it enacted*, That in case of the refusal of any of the owners of the soil on the line of the route to permit the use of any road or highway for the purpose of erecting posts or poles on the same to sustain the wires or other fixtures, in case where consent is necessary to be obtained, it shall be lawful for such company to present a petition to the circuit court of the county in which said road or highways are situate, or to the judge thereof On refusal of owner of soil to permit the use thereof the company may present petition to circuit court.

in vacation, setting forth the privilege or right of way, the names of the owners of the soil if known, and if not known or non-resident of the state that fact shall be stated, and the names of any number of owners or any number of descriptions of the premises desired may be mentioned in one petition, whereupon the said court shall fix the time and place for the hearing of the matter contained in said petition, and direct notice thereof to be served on the person or persons, or corporations interested, at least six days prior to said hearing, such service to be made in the same manner as writs of summons issued out of said court are served, or if the owner be unknown or not resident in this state such notice shall be published in a newspaper in said county for the like period, or for such longer period as the court may direct, and in case the post office address of such non-resident owner can be ascertained a copy of such notice shall be mailed to him or her, (postage prepaid), under the direction of said court; at the time mentioned for said hearing the said court, (unless good cause to the contrary appear), shall appoint three disinterested freeholders, residents of said county, commissioners to assess and appraise the damages which such owner or owners may sustain by reason of the erection and establishment of such telegraph line; before entering upon the service said commissioners shall severally be sworn faithfully and impartially to perform the duties required of them, and shall on view make a just appraisal in writing of the damages, if any, sustained by such owner or owners, and file a report thereof in the office of the clerk of said court; if any damages are assessed the company shall pay or tender the amount of the same to the party to whom the award is made; if such owner be unknown or cannot be found they shall pay the same into the said court; and thereupon, or if no damages are found to be sustained, the said company shall have full power to use such road or highway on the line of their route for the purpose of erecting posts or poles on the same to sustain their wires and other fixtures; said commissioners shall each receive three dollars for each day's service performed by them to be paid by said company; and any party aggrieved by the assessment of damages may have

Court shall appoint commissioners to assess and appraise damages.

Commissioners to take oath and make report.

Compensation of commissioners, parties aggrieved may appeal.

the matter determined by a jury, provided an appeal be made to the said court within thirty days from the time of filing the report by the said commissioners, and said court shall thereupon order a trial by jury, to be conducted as any other case of similar trial; if the jury increase the damages the same and all costs and charges shall be paid by the company, otherwise the costs and charges to be paid by the owner or party interested; and judgment may be entered upon the verdict of said jury and execution issued thereon as in other cases, unless said company shall within ten days after said verdict is rendered elect to abandon their proposed route or appropriation of said road or highway by an instrument in writing to that effect, to be filed with the clerk of the said court and entered on the minutes thereof, and as to so much as is thus abandoned the assessment of damages shall be void; *provided*, that upon such abandonment the costs of all proceedings to be taxed by the said court shall be paid by the company to the opposite party; *and provided also*, that all the provisions of this section shall apply to any telegraph or telephone company specially incorporated. Proceedings in case of an appeal. Proviso. Proviso.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLII.

An Act to regulate the rate of passenger fares on railroads doing business under special charters granted by the legislature of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any railroad company doing business in this state, under a special charter, to charge more than three and a half Unlawful for railroad company to charge more than three and a half cents per mile for each passenger.

cents per mile for carrying each passenger, and any ticket except excursion tickets, or tickets sold at reduced rates, shall be good until used, but no charge shall be required in the aggregate to be less than ten cents; *provided*, that nothing in this act shall be construed to affect an act entitled "An act to authorize railroad companies to charge and collect an excess of ten cents where fare is paid in the cars."

Repealer. 2. *And be it enacted*, That so much of all acts in relation to passenger fares on railroads, whether public or private, heretofore granted by the legislature of this state, that come in conflict with the provisions of this act are hereby repealed, and that this act shall be deemed and taken as a public act and shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLIII.

A Further Supplement to the act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

Preamble. WHEREAS, The requirements of the state asylum for the insane at Morristown demand additional reservoir or reservoirs for the storage of water to supply the buildings, erection of barns, sheds and other farm buildings for storing the products of the farm and garden, and for feeding and sheltering stock, and the protection of farm implements, et cetera; therefore,

Appropriation by whom and how paid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of carrying out the foregoing requirements, the sum of fifteen thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid by the treasurer of the state on warrant of the comptroller, under requisition of the commissioners to select a site

and build an asylum for the insane of this state, to be by them expended for the above named purposes and to be accounted for in the manner now required by law.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLIV.

An Act to extend the time for the completion of railroads where charters have heretofore expired by limitation, where subscriptions to stock have been procured, work been performed on said railroads and money expended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time for the completion of any railroad authorized to be constructed within this state under special acts has expired or is now about to expire, such time for the completion of the whole line of said railways as contemplated by said charter, is hereby extended for the period of two years from and after the passage of this act ; *provided, however*, Time for completion of any railroad extended. *Proviso.* that this act shall not apply unless money has been actually expended in surveys, locations, acquiring rights of way or in construction, nor unless an organization has been maintained ; *and provided further*, that the provisions of this act shall not apply to any railroad of this state where the same has been sold by a receiver of the court of chancery, or by trustees for the benefit of mortgage or other creditors and the purchaser or purchasers thereof, or his or their assigns have failed or shall fail to complete the railway within the time limited by the provisions of its charter. Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLV.

An Act entitled "An act concerning the protection of the public health and the record of vital facts and statistics relating thereto."

- Every city, town, &c., to have a board of health.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every city, or borough or incorporated town, or any town governed by a commission, shall have a board of health of not less than five or more than seven members, of which the keeper or recorder of vital statistics, and also one city physician and city health inspector shall be members, if there be such officer or officers; and the said board of health shall be nominated by the mayor and approved by the common council or other governing board of the city, borough or town, to serve for not less than three years, but not more than three of the number shall go out of office at any one time, unless in case of removal by death or change of residence.
- Board of health how appointed and term of office.
2. *And be it enacted*, That all cities of over ten thousand inhabitants shall have one or more city health inspectors, who hereafter in any new board, or in any case of vacancy, shall be appointed by the board of health.
- Certain cities to have health inspectors.
3. *And be it enacted*, That in each township of the state outside of city limits, the township committee, together with the assessor and the township physician, if there be such an officer, shall constitute the board of health for all of said township outside of any city limits, and shall have the same powers as are possessed by any city board of health within the state, so far as the same could relate to any unincorporated district.
- Who to constitute boards of health in townships.
4. *And be it enacted*, That every local board of health of any city, borough, town or township shall, on or about the first of October of each year, in addition to any other reports that the local authorities may require, prepare an annual report of the condition of the public
- Local boards of health shall make annual report.

health in their district, stating, also, any special causes of deterioration of health or hazard thereto, and shall therein answer any inquiries which have been addressed to them by the state board of health; in the case of cities the same shall be presented to the city authorities, and the board of health shall, on or before October fifteenth of each year, forward a copy of the same to the address of the state board of health at Trenton; and in case of townships, a similar report, signed by the chairman of the township committee, shall, by the same date, be sent as herein provided for city boards.

Copy of report to be forwarded to the state board.

5. *And be it enacted*, That boards of health of cities or townships or any county health board shall, through the keeper or recorder of vital statistics, take cognizance of any neglect of returns on the part of any persons charged with this duty under the laws of this state, and are authorized to pass ordinances additional thereto, and not conflicting with the same; and they shall have the same powers of action for neglect as is given to the state board of health, and in addition, in the case of the failure of any city clerk, assessor or physician to make full returns as required by law, may bring action for the same and recover for the use of said city or township to the amount not exceeding fifty dollars; and in case of the death or removal of any assessor before the time for electing a successor, the township clerk shall take charge of and report such returns until the election of an assessor.

Boards of health to take cognizance of any neglect of returns and pass ordinances, &c.

Vacancy in office of assessor, township clerk to act.

6. *And be it enacted*, That the state board of health, in making inquiries and investigations in regard to the causes of disease and morality and the modes of their limitations, may aid any local board to the amount of twenty dollars in any one year, and that for this purpose, and also for extending its own inquiries into the sources of physical deterioration or local causes of disease, the board be authorized to expend two thousand dollars each year, in addition to the amount heretofore provided, said expenditure to be accounted for each year by itemized bills, audited by the president and secretary of the board of health and approved by the governor, and then shall be paid as other accounts of said board.

State board of health may aid local boards to a certain amount.

The state board authorized to expend a certain amount in each year.

7. *And be it enacted*, That the board of health of any city, borough, incorporated town or township, shall

Local boards to examine into all nuisances, &c.

examine into all nuisances, foul or noxious odors, gases or vapors, or causes of ill health or disease that may be known to them or certified to them by three or more freeholders or tenants, as in their opinion injurious to the health of the inhabitants within their township, or in any such vessel within any harbor or port of such city, borough, town or township, and shall deal with the same as in the manner herewith directed, to wit: whenever such nuisance or source of noxious odors, or cause of ill health or disease, shall be found on public property or on the highway, the person or persons officially in charge thereof as overseers, civil officers, directors or trustees, shall be notified to cause the same to be removed as the case may require; and if failing so to do the procedure shall be the same as hereinafter provided in the case of private individuals.

Notice to be served on overseers, directors, officers, &c.

When nuisances, &c., are found on private property, owners to be notified to remove the same.

Failure of owner to comply with notice, the board to remove same and the expense to be a lien on the property.

Proviso.

8. *And be it enacted*, That whenever such nuisance, source of foulness or cause of sickness hazardous to the public health, shall be found on private property, that the board of health of the city, town or township in whose limits it may be, shall at once notify the owner at his own expense to remove the same within such time as said board shall deem the public health to require, a duplicate copy of the notification being also left with one or more of the tenants or occupants; if the owner resides out of the state and cannot be reached with notice speedily enough for the necessities of the public health, a notice left at the house with the tenant shall suffice; if the owner thus notified shall not comply with such notification or order of the local board of health within the time therein specified, said board shall proceed to remove said nuisance, source of foulness, or cause of sickness hazardous to the public health, and all expenses incurred thereby shall be a lien upon the property of the owner of the real estate or building on which the nuisance has occurred, for which he may have action against any person or persons who have caused or allowed said nuisance; and it is also *provided* that the property owner shall have the right under his notification, of speedy reference to the state or county board of health acting in a body or through its executive officer, within such time as the local board of health shall on

his application direct, unless in its judgment the danger to the public health is too immediate to admit of delay; and in case any injunction or stay of proceedings in any form is applied for, such injunction or stay of proceedings shall not be issued until the local board and the state board have been notified to appear and be present at such hearing; but the failure of the owner to cause removal, or the refusal of the court applied to to grant a stay of proceedings, shall not prevent the party or parties making the application from any suit at law and recovery of damages, if the alleged nuisance be shown to have been in no way hazardous or prejudicial to the public health.

9. *And be it enacted*, That in order to secure the preparation of such tabular classification and deductions therefrom as bear upon political economy, population, the causes of disease and of epidemics at the time of indexing the records of marriages, births and deaths, there shall also be made a full transcription of such vital facts as are required for such purposes, and the allowance toward such transcription, and for the indexing of the records, shall be five cents for each return, payable in the same way as heretofore provided for the index record; but the amount to be paid to the registrar or others for this clerical service, shall be determined by the state board of health, and the medical superintendent shall render to the secretary of state and to said board yearly an exact statement of the whole amount thus received and how expended, and the balance, if any remaining, shall be paid over to the state board of health and its expenditure accounted for through account audited by the president of said board and approved by the governor.

Transcription of
vital statistics to
be made.

Allowance for
the same, and
amount to be
determined by
state board of
health and super-
intendent.

10. *And be it enacted*, That at the enrollment of the children each year by the clerk of district schools or by other proper officers in cities, inquiry shall be made as to how many of the children within the school age are unvaccinated, and the same shall be designated by a mark on said roll, and in the case of any found unvaccinated whose parents desire them to be protected from small pox, but who, in the judgment of the board of education or the trustees of the school district, are not

In the enroll-
ment of school
children, num-
ber unvaccinated
to be made.

- able to pay therefor, the school clerk or other authorized person may give to said child or children a permit to appear at the office of any regular licensed physician of said school district or of said township to be vaccinated, and any such physician, on the presentation of such permit, with his certificate appended thereto that the said vaccination has been by him successfully performed, shall be entitled to receive from the township committee or city treasurer, fifty cents for every such certified case.
- Clerks authorized to grant permits to children of parents who are unable to pay, to be vaccinated.
- Act not to change or modify power of any county board of health. 11. *And be it enacted*, That in case of any county having a county board of health or vital statistics, nothing in this bill shall change or modify their former power or jurisdiction and they shall possess all the authority herein granted to city or township boards; and they shall yearly report to the state board of health as to the cities and townships of the county, in the same way as is required in counties where there is no county board of health; they shall be the sole power to make ordinances in relation to the public health and to carry out the provisions of the laws of this state in reference to the registration and returns of vital statistics in their respective counties, nothing in this act shall relate to or affect any boards of health now organized in any of the cities of this state under the provisions of their respective charters.
- Yearly report to be made.
- Act when to take effect. 12. *And be it enacted*, That this act shall take effect on the first day of April, one thousand eight hundred and eighty.

Approved March 11, 1880.

CHAPTER CLVI.

An Act to amend an act entitled "A supplement to the act entitled 'An act concerning disorderly persons,'" approved April ninth, one thousand eight hundred and seventy-five, which supplement was approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act of which this is amendatory, and which is in the words following, to wit:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state having a population of over fifteen thousand inhabitants and less than thirty-five thousand inhabitants, and having police courts or police justices, paid by a fixed salary, all persons arrested for any violation of the provisions of the act entitled 'An act concerning disorderly persons,' approved April ninth, one thousand eight hundred and seventy-five, or for any violation of the provisions of the act entitled 'An act to define and suppress tramps,' April nineteenth, one thousand eight hundred and seventy-six, shall be taken for a hearing before such police court or police justice, and that in all such cases no justice of the peace residing or holding his court in such city shall have power to hear, try, or determine such cases, any law, custom or usage to the contrary notwithstanding," be and the same is hereby amended to be and read in the words following, to wit:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state having police courts or police justices, or a recorder's court, or in any city which may hereafter have such courts, or either of them, all persons arrested for any violation of the provisions of the act entitled "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five, or for any violation of the provisions of the act entitled "An act to define and suppress tramps," approved April nineteenth, one thousand eight hundred and seventy-six, shall be taken for a hearing before such police court, or police justice, or such recorder's court, and that in all such cities no justice of the peace shall have power to hear, try or determine such cases, any law, custom or usage to the contrary notwithstanding; and where the police justice or the recorder is paid a fixed salary out of the city treasury, all fees received by him for services under the aforesaid acts shall be paid into the city treasury; and where the arrests are made by any police officer of

Section to be amended recited.

Section as amended.

All persons arrested to be taken before police justice or recorder.

Fees to be paid into the city treasury.

the city, receiving a fixed salary out of the city treasury, all fees to which he would be entitled for services under the said acts shall be paid into the city treasury; and all fines collected by any such salaried police justice or recorder under the aforesaid acts shall be paid into the city treasury once a month.

Approved March 11, 1880.

CHAPTER CLVII.

An Act for the prevention of cruelty to animals.

A.—WHAT SHALL BE DEEMED CRUELTY—CRIMINAL PROCEEDINGS AGAINST OFFENDERS.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat or otherwise abuse, or needlessly mutilate or kill, or who shall cause or procure to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or otherwise abused, or needlessly mutilated or killed, any living animal or creature; and any person having the charge or custody of any living animal or creature, either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather, shall be deemed guilty of a misdemeanor, and for every such offence shall, on conviction thereof, be punished by fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail not exceeding six months, or both, in the discretion of the court.

Penalty for cruelty to animals.

2. *And be it enacted*, That any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money, or other consideration, for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird, or other living animal or creature, and every person who shall be present and witness, encourage, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, shall be deemed guilty of a misdemeanor, and for every such offence shall, on conviction thereof, be punished by fine not exceeding one thousand dollars, or by imprisonment at hard labor not exceeding two years, or both, at the discretion of the court.

Penalty for keeping or being in any place kept for the purpose of fighting any bull, bear, dog, &c.

3. *And be it enacted*, That any person who shall carry or cause to be carried, in or upon any vehicle or otherwise, any living animal or creature, in a cruel or inhuman manner, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as is provided in section one of this act.

Penalty for carrying in a vehicle any animal in a cruel or inhuman manner.

4. *And be it enacted*, That any person who shall impound or confine, or cause to be impounded or confined, in any pound or other place, any living animal or creature, shall supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and, in default thereof shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as is provided in section one of this act.

Impounded animals to have food and water.

5. *And be it enacted*, That if any maimed, sick, infirm or disabled animal or creature shall be abandoned to die by any person in any public place, such person shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as is provided in section one of this act; and it shall be lawful for any justice of the peace, or sheriff of the county, or agent of the New Jersey Society for the Prevention of Cruelty to Animals in this state, to appoint a suitable person to destroy such animal or creature, if unfit for further use, or to advertise and sell the same in such manner as such justice of the peace, sheriff or agent shall direct, and to pay the proceeds, after deducting expenses, to the District Society for the Prevention of Cruelty to Animals, if one is in ex-

Penalty if any maimed, sick or infirm animal or creature shall be abandoned to die in any public place.

istence in the county, if not, then to the New Jersey Society for the Prevention of Cruelty to Animals.

B.—SEIZURE OF PROPERTY.

Proceedings in
case of seizure of
any articles
which may be
forfeited and
sold.

6. *And be it enacted*, That the person arresting the person or persons offending against the provisions of this act, and so seizing such living animals, creatures, implements or appliances, shall within twenty-four hours after such seizure, make application to a justice of the peace, to have the same forfeited and sold; which application shall be in writing, and shall specify the articles seized, the place where they were seized, and state for what reason the same were seized; and the said justice shall thereupon cause a notice to be published in a newspaper circulating in the neighborhood of the place where such seizure was made, for at least three times, if in a daily paper, or one time, if in a weekly paper, stating that a seizure has been made, the names of the articles seized, the place where the same were seized, and the reason for such seizure; and in such notice shall appoint a time and place, not less than five nor more than ten days from the date of such seizure, when and where all parties may be heard, and show cause why the application should not be granted, and if upon the hearing of such application it shall be found and adjudged that at the time of said seizure the same were engaged in said exhibition, or were owned, possessed or kept by any person with the intent that the same should be so engaged, they shall be adjudged forfeited, and the said justice shall order the same sold in such manner as he shall deem proper, and after deducting the cost and expenses, shall pay one-half the proceeds of such sale to the district Society for the Prevention of Cruelty to Animals, if one is in existence in his county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, and the other half to the person making the seizure aforesaid; should it be found and adjudged that any such birds or animals are of no use or value, the same shall be set at liberty or disposed of as the justice may direct; but should the same be adjudged not forfeited, they shall be returned to

the owner, and the party making the seizure shall pay all the costs and expenses of the same.

7. *And be it enacted*, That the justice of the peace for his services in the foregoing section named, shall be ^{Fees.} allowed the following and no other fees, to wit:

For drawing the application, per folio, fifteen cents;

For drawing the notice, per folio, fifteen cents;

For printing (the fees now allowed by law to printers, to be paid to the printer by the said justice);

For the hearing, one dollar;

For swearing each person, twenty-five cents;

For making order in regard to forfeiture and sale, or other disposition of said articles, fifty cents;

And such other fees as are now allowed by law; and in addition the justice shall pay all expenses of the custody of said articles, and retain the same out of the proceeds of sale; or in case of no sale, cause the same to be paid by the party making the seizure.

8. *And be it enacted*, That the person arresting the ^{Proceedings in case of arrest of person and seizure of vehicles and contents, &c} person or persons offending against the provisions of section three of this act shall take charge of such vehicle and its contents; and all necessary expenses which may be incurred for taking charge of and keeping and sustaining the same, shall be a lien thereon, to be paid before the same can be lawfully redeemed; and if the same shall not be redeemed within ten days from the time the same is seized, then the person so seizing the same shall cause the same to be advertised to be sold, by advertisements published in a newspaper circulating in the neighborhood in which the said seizure was made, for at least three times in a daily paper, or one time if in a weekly paper, stating the time and place of such sale, the articles to be sold, and the reason for selling the same; and at the time and place so appointed, he shall sell the same to the highest bidder, and out of the proceeds of said sale he shall pay all necessary expenses incurred, and the balance he shall pay to the owner or owners of said articles; and if the proceeds of said sale shall not be sufficient to pay such expenses, the balance may be recovered by the person seizing said articles, from the owner or owners thereof, in an action of debt, before any court of competent jurisdiction.

C.—ENTERING AND SEARCHING BUILDINGS.

Justice of the peace may issue search warrant when complaint is made on oath or affirmation.

Proviso.

9. *And be it enacted*, That when complaint is made on oath or affirmation before any justice of the peace or police magistrate that the complainant believes, and has reasonable cause to believe, that the law in relation to cruelty to animals has been or is being violated in any particular building or place, such justice of the peace, or police magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant, authorizing any sheriff, under sheriff, constable, police officer, or agent of the New Jersey Society for the Prevention of Cruelty to Animals, to enter and search such building or place, but no such search shall be made between the hours of six o'clock in the afternoon and six o'clock in the morning, unless specially authorized by such justice of the peace or police magistrate upon satisfactory cause shown; *provided*, that any such officer or agent may at any time enter any place, building or tenement as provided for in section eleven of this act.

D.—IMPOUNDED ANIMALS.

Cost of food and water to impounded animals may be collected of owner or owners.

10. *And be it enacted*, That in case any living animal or creature shall be at any time impounded or confined as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person, from time to time, as often as shall be necessary, to enter into and upon any pound in which such living animal or creature shall be so impounded or confined, and to supply it with necessary food and water so long as it shall remain so impounded or confined; such person shall not be liable to any action for such entry; and the actual cost of such food, water and bedding, together with twenty per centum additional, may be collected by such person of the owner or owners of such animal or creature, in an action of debt, together with costs, before any court of competent jurisdiction, and the said animal or creature shall not be exempt from levy and sale upon an execution issued upon a judgment therefor.

E.—SUMMARY PROCEEDINGS BEFORE A JUSTICE OF THE PEACE.

11. *And be it enacted*, That any sheriff, under sheriff, constable, police officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, ^{Agent, sheriff, &c., may enter buildings and make arrests without warrant.} may enter any place, building or tenement where there is an exhibition of the fighting or baiting of any bull, bear, dog, cock, bird or other living animal or creature, or where preparations are being made for such an exhibition, and without warrant arrest all persons there present; and take possession of all bulls, bears, dogs, cocks, birds or other living animals or creatures engaged in fighting or there found, and also all implements or appliances used or to be used in such exhibition; such persons so arrested shall be taken before the nearest police magistrate, district court or justice of the peace, who upon complaint being made and warrant issued, returnable immediately, the parties being in custody, and he being satisfied as to the guilt of said parties, may adjudge that each of said persons shall forfeit and pay such sum not to exceed one hundred dollars, together with cost, as the said police magistrate, district court or justice of the peace shall determine, and the said person or persons so arrested shall be imprisoned and kept in custody until the said amount and cost, if any, are paid.

12. *And be it enacted*, That any person who shall here- ^{Penalty for using dogs for purpose of drawing cart, carriages or other vehicle.} after use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow, vehicle, for business or other purposes, shall forfeit and pay a fine of one dollar and costs for the first offence and ten dollars and costs for each subsequent offence; such offender, together with the dog or dogs, cart, carriage, truck, barrow or other vehicle, shall be taken before a justice of the peace, district court or police magistrate, who, upon being satisfied, shall impose said fine, which said fine, as soon as imposed, shall have the force and effect of a judgment, and execution may be immediately issued thereon, and the articles so seized, levied upon and sold to pay and satisfy the said fine, together with the costs.

F.—PROCEEDINGS FOR PENALTY IN THE NAME OF THE
NEW JERSEY SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS—WHAT SHALL BE DEEMED
CRUELTY.

Penalty for over-
driving, over-
loading, over-
working, &c.

For tormenting,
mutilating, beat-
ing or killing.

For using dog or
dogs for purpose
of drawing, &c.

For abandoning
to die.

13. *And be it enacted*, That any person or persons who shall overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, or cruelly beat or otherwise abuse, or needlessly mutilate or kill, or who shall by their agents, servants, employees or otherwise, cause or procure to be overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, or to be unnecessarily or cruelly beaten, or otherwise abused or needlessly mutilated and killed, any living animal or creature, and any person having the charge or custody of any living animal or creature, either as owner or otherwise, who inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter or protection from the weather and any person who shall keep or use, or in any way be connected with or interested in the management of, or who shall receive money or other consideration for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, bird or other living animal or creature, and every person who shall be present, and witness, encourage, aid or assist therein, or who shall permit or suffer any place owned or controlled by him to be so kept or used, and any person who shall carry or cause to be carried, in or upon any vehicle or otherwise, any living animal or creature, in a cruel or inhuman manner, and any person who shall hereafter use any dog or dogs for the purpose of drawing or helping to draw any cart, carriage, truck, barrow or other vehicle for business purposes, and any person who shall impound or confine, or cause to be impounded or confined, in any pound or other place any living animal or creature, and shall fail or neglect to supply to the same during such confinement a sufficient quantity of good and wholesome food and water, and any person who shall abandon to die, in any public

place, any maimed, sick, infirm or disabled animal or creature, shall forfeit and pay such sum, not to exceed one hundred dollars, together with costs, as the court shall determine, to be sued for and recovered in an action of debt, with costs of suit, by any person or persons, in the name of the New Jersey Society for the Prevention of Cruelty to Animals, before any justice of the peace, district court or police magistrate in the county or city where the defendant resides, or where the offence or offences were committed.

G.—PROCEEDINGS.

14. *And be it enacted*, That any justice of the peace in the county, or any district court or police magistrate in any city where any offence shall have been committed under the above section eleven of this act, is hereby authorized and directed, upon receiving sufficient proof by affidavit of the same, and of any of the following particulars, to proceed as follows:

Proceedings in
justices and dis-
trict courts, &c.

I. By summons: when the defendant or defendants are resident within the jurisdiction of the court; By summons.

II. By warrant: when the defendant or defendants are temporarily within the jurisdiction of said justice, court or magistrate, but not residing therein; or when the said person or persons is or are likely to evade judgment by removal therefrom; or when the name or names and residence or residences of said person or persons is or are unknown; By warrant.

III. By attachment: when said justice, court or magistrate is satisfied by affidavit that the owner or owners of any animal which has been or is being cruelly treated within the provisions of section eleven of this act, is the party chargeable directly or indirectly with such offence under said section, and that said owner or owners reside out of the local jurisdiction of said justice, court or magistrate; the said justice, court or magistrate shall order and enforce the same as a summary attachment against the animal so cruelly treated, and the vehicle, truck, cart, barrow or wagon to which said animal is or may be fastened, yoked, hitched or harnessed at the time of said offence, together with the appurtenances. By attachment.

on the affidavit filed in said cause, and shall affix his name to the same, viz :

Having read the within affidavit, and being satisfied as to the sufficiency of the same, I do hereby order and adjudge that a summary attachment do issue and be enforced against said animal (or animals, as the case may be), so cruelly treated as aforesaid, and the vehicle, truck, cart, barrow or wagon to which said animal (or animals, as the case may be), were fastened, yoked, hitched or harnessed at the time of said offence, together with the appurtenances ;

Form of order to be indorsed on affidavit.

The proceedings on said attachment before the said justice, court or magistrate shall be the same, so far as practicable, as in other cases of attachment, provided for by law, before a justice of the peace ;

Proceedings as in other cases of attachment.

In all prosecutions instituted and begun under the provisions of sections eleven and thirteen of this act, an affidavit of the violation thereof shall be sufficient demand or pleading, which said affidavit shall be filed with said justice before issuing of process.

In prosecution under certain sections, affidavit be deemed sufficient.

EXECUTION.

The proceedings mentioned in the preceding sections of this act may be instituted before any justice of the peace in and for the county where the offence or offences is or are committed, or before any district court or police magistrate in any city where the offence or offences is or are committed, and such justice, district court or police magistrate shall have competent jurisdiction for such purpose ; and the amount of the forfeiture or penalty so to be recovered as in said section provided for, shall be determined and judgment rendered for the same, together with costs in like manner as in actions for the recovery of money or damages in the court for the trial of small causes ; and execution may thereupon issue against the body or goods of the defendant ; and all proceedings in said section mentioned, shall, except as otherwise specially provided, conform to the course and practice of the court for the trial of small causes, and in all proceedings under this act the costs aforesaid shall

Proceedings may be instituted before any justice of the peace, district court or police magistrate.

be the same as for like services are allowed by law to justices of the peace in the several counties of this state.

APPEAL.

Appeals to be allowed from decisions of any justice, &c.

An appeal to the court of common pleas of any county in this state shall be allowed from the decision of any justice of the peace, court or magistrate as aforesaid when proceedings as aforesaid are instituted, in the same way and upon the same terms as appeals are allowed from the judgments of justices of the peace under the act entitled "An act constituting courts for the trial of small causes."

H.—MISCELLANEOUS.

Agents, police officers, &c., may arrest persons violating this act.

Fines how disposed of.

Powers and duties of officers, members and agents.

15. *And be it enacted*, That any agent, member or officer of the New Jersey Society for the Prevention of Cruelty to Animals, or any sheriff, under sheriff, constable or police officer may make arrests and bring before any justice, court, or magistrate as aforesaid, offenders found violating the provisions of this act; and of all fines, penalties and moneys imposed and collected for any offence being in violation of this act, or under the provisions of this act and not herein specially provided for, one half shall be paid by the justice, court or magistrate or by the clerk or other officer of the court receiving the same, to the informer, complainant or prosecutor, and he shall pay within thirty days, and without demand, the other half to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals, to be used by said society in aid of the benevolent objects for which it was incorporated; and any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals may exercise and perform the like powers and duties as an agent of said society who has been specially deputed by the sheriff of any county in this state.

16. *And be it enacted*, That any member, officer or agent of the New Jersey Society for the Prevention of Cruelty to Animals, or any sheriff, under sheriff, constable or police officer shall have power to arrest without warrant any person or persons found violating the provisions of this act in the presence of said member, officer, agent, sheriff, under sheriff, constable or police officer, and to take the same before the nearest magistrate or justice of the peace, or court as aforesaid, there to be proceeded against according to law.

Any member, officer or agent of society may make arrests without warrant.

17. *And be it enacted*, That nothing in this act contained shall be construed to prohibit or interfere with any properly conducted scientific experiments or investigations, which experiments or investigations shall be performed only under the authority of some regularly incorporated medical society of this state; nor shall the same be construed to prohibit or interfere with the killing or disposing of any animal or creature by virtue of the order of any of the constituted authorities of this state.

Acts not to be construed to prohibit or interfere with scientific experiments, &c.

18. *And be it enacted*, That any person or persons against whom proceedings have been or are about to be begun before any justice of the peace, court or magistrate as aforesaid, in the name of the New Jersey Society for the Prevention of Cruelty to Animals, for the penalty prescribed in sections eleven, twelve or thirteen of this act, may appear before said justice, and if he, she or they so request, and then and there plead guilty to a violation of the provisions of the sections of this act aforesaid, the said justice, court or magistrate as aforesaid may immediately impose upon said party or parties the payment of any sum he or it may, in the exercise of his or its discretion, see fit, not to exceed the amount set forth in sections eleven, twelve or thirteen of this act, which said sum, and the costs of said proceedings, if any shall be then and there paid by the said party or parties, and the said proceedings shall then cease and determine, and the said justice shall so enter in his docket; and if the said penalty so imposed is not so paid, the said suit shall continue to judgment, and execution shall issue as hereinbefore provided for by this act.

Proceedings when any person or persons plead guilty of violation.

19. *And be it enacted*, That where, by the laws of this state or any ordinance of any city, town or borough, any

Fines collected for violation of ordinances to whom paid.

police justice, recorder, or other magistrate shall collect any fine or fines for cruelty to animals, that henceforth all moneys collected from such fines shall be paid to the District Society for the Prevention of Cruelty to Animals of the county where the same were imposed and collected, if one is in existence in that county, and if not, then to the New Jersey Society for the Prevention of Cruelty to Animals; and that the term cruelty, in this section mentioned, shall be held to include all the acts mentioned in the preceding sections of this act.

In this act certain words shall be held to include.

20. *And be it enacted*, That in this act the words "animal" or "animals," "creature" or "creatures," shall be held to include the whole brute creation, and the words "owner" and "person," or "owners" and "persons," shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned or employed by or in the custody of such corporations, shall be held to be the knowledge and acts of such corporations.

When not necessary to endorse summons or warrant.

21. *And be it enacted*, That in all proceedings under this act, it shall not be necessary to endorse the summons or warrant as in *quæ tam* actions with the time of issuing the same, or the title of the act under which it is issued.

Indictment of any person not to relieve him from liability to be sued for penalty.

22. *And be it enacted*, That the indictment of any person under the provisions of this act, or the holding of any person to bail to await the action of any grand jury or court of special sessions of any county in this state, shall not in any way relieve the said person from his liability to be sued for the penalty prescribed in section eleven of this act.

Certain acts repealed.

23. *And be it enacted*, That the acts entitled "A supplement to the act entitled 'An act for the punishment of crimes,'" approved March twenty-seventh, one thousand eight hundred and sixty-seven; a further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved April third, one thousand eight hundred and sixty-eight, which supplement was approved April second, one thousand eight hundred and sixty-nine; "An act for the prevention of cruelty to animals," approved March

twenty-second, one thousand eight hundred and seventy-one; a further supplement to the act entitled "An act to incorporate the New Jersey Society for the Prevention of Cruelty to Animals," approved March fifth, one thousand eight hundred and seventy-two; "An act for the prevention of cruelty to animals," approved April first, one thousand eight hundred and seventy-three; a supplement to an act entitled "An act for the prevention of cruelty to animals," approved April first, one thousand eight hundred and seventy-three, which said supplement was approved March twenty-fifth, one thousand eight hundred and seventy-five; and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall be deemed and taken as a public act and shall take effect immediately.

24. *And be it enacted*, That nothing in this act contained shall prohibit or affect the shooting of pigeons from the trap or game in the field. Act not to prohibit the shooting of pigeons from trap or game.

Approved March 11, 1880.

CHAPTER CLVIII.

An Act for building school-houses in townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall be lawful for any school district of this state, at their annual meeting, to vote money to build a school-house, as money is now voted for said school district under any existing law, and to provide land for that purpose, not exceeding acres, at such place in the said school district as the school trustees thereof may designate, and for that purpose the said school trustees may acquire the said land by purchase or condemnation; *provided*, a majority of the taxable residents of said school district shall be present at any meeting as aforesaid, and Lawful for school district to vote money to build school-house and to provide land, &c.

Proviso.

shall vote on any proposition presented for the selection of a place and voting money as aforesaid.

School trustees
may enter upon
lands, &c.

2. *And be it enacted*, That it shall be lawful for such school trustees to enter upon any lands and make all such preliminary examinations, explorations, measurements and levelings as may be necessary and proper for their purposes, doing thereby as little damage as possible to the owner or owners thereof.

Proceedings in
case trustees and
owner or owners
cannot agree as
to compensation
for lands.

3. *And be it enacted*, That in case said school trustees cannot agree with the owner or owners or other persons interested in any lands which said school trustees may desire to take, use and occupy, or from which they may desire to take or divert, either in whole or in part, for the purposes of their building, or cannot agree with the owner or owners for the whole or any part of any lands as to the amount of compensation to be paid for such taking, use, diversion, or occupation or interest, it shall be lawful for any justice of the supreme court of this state, upon application by said school trustees, and upon two weeks' previous notice, served in person, or by leaving at the dwelling house or usual place of abode of such owner or owners, or in case of absence from the state or legal disability, published in a newspaper published nearest to the lands in question, to appoint three disinterested commissioners, residents of the county in which said lands are situated, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, which commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may be, at which time and place the said commissioners shall meet and view the premises, and hear the parties interested, and take evidence if any be offered, and for that purpose shall have power to administer oaths or affirmations, and to adjourn from day to day; and in case of the refusal or failure of either or any of said commissioners to attend and perform their said duties, the said judge shall have power to appoint another or other disinterested person or persons as commissioners to act in the place of such absent

Justice of su-
preme court to
appoint commis-
sioners to ascer-
tain and assess
value of land.

Refusal to serve
judge to appoint
another.

commissioner or commissioners; and the said trustees shall make and exhibit to the said commissioners at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands, by them sought to be taken or diverted as aforesaid, and of the use, occupation of, and excavations upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to said trustees of the lands, by them sought in the statements and description aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded; *provided always*, that if any real estate, the owner or owners of which shall not have given his, her or their consent in writing to the diversion or to the taking of said lands, shall not have been ascertained and paid pursuant to the directions of this act, shall be injured or damaged by the diversion or diminution of any said land that the owner or owners thereof may have and maintain his, her or their action to recover damages for such injury, which he, she or they may sustain by reason of anything done under this act, as if this act had not been passed.

4. *And be it enacted*, That before taking possession of any such lands, or entering thereon for the purpose of making any excavation or occupation thereof, or taking any interest in land as aforesaid, the said trustees shall pay or tender to such owner or owners, or, in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said county the value and damages so awarded; and the award of said commissioners and the payment or tender or deposit as aforesaid of the same, shall vest in said corporation the lands, by them sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to said trustees by said owner or owners under their hands and seals.

Trustees to exhibit to commissioners a description, &c., of lands to be taken.

Commissioners to ascertain and assess the value, &c.

Proviso.

Trustees to pay owner the value and damages awarded.

Upon payment, &c., title vested in the corporation.

Parties aggrieved
may appeal to the
circuit court.

Court may order
a struck jury to
try any appeal.

Right of appeal
not to be waived
by acceptance of
amount awarded.

5. *And be it enacted*, That if either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said courts full power to hear and determine said appeal, and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such lands, as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury which may be empaneled and sworn to try any such appeal, to view the premises in question during said trial, and the right of said trustees to appeal from and dispute the correctness of any award, shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the land, or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal, shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLIX.

A Further Supplement to an act entitled "An act to regulate elections" (Revision), approved April eighteenth, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any candidate at any election in this state for member of the senate or member of the assembly shall have reason to believe that an error has been made in any board of election or of canvassers in counting the vote or declaring the result of such election, whereby the result of such election has been changed, such candidate shall within ten days after such election be empowered to apply to any justice of the supreme court of this state, who shall be authorized to order and cause a recount of such votes to be publicly made under the direction of the court, by the county clerk or such other officer as the said justice may designate, after due notice to the parties interested of the time and place of such recount; and if it shall appear upon such recount of the ballots cast at such election that an error has been made sufficient to change the result of such election, as declared by any board of canvassers, then such justices of the supreme court shall be authorized and empowered to revoke the certificate of election already issued to any person as member of the senate or member of the assembly, and shall order to be issued in its place another certificate, duly attested under the seal of the county, to the party who shall be found to have received a majority of the votes cast at such election, which latter certificate shall supersede all others, and entitle the holder thereof to the same rights and privileges as a member of the senate or member of the assembly, as if said certificate had been issued by the county board of canvassers.

Justice of supreme court may order a recount of votes upon application of candidate.

Justice authorized to revoke certificate of election if an error has been made sufficient to change result and issue a certificate.

Certificate of justices to be certified by county clerk.

County clerk to transmit to secretary of state a copy.

Applicants for recount to file bond conditioned for payment of costs.

Compensation and expenses of recount, &c., how fixed and determined.

Repealer.

2. *And be it enacted*, That whenever any such certificate shall be issued by any justices of the supreme court, the clerk of the county shall certify the same to be full, true and correct, and shall sign his name thereto with his own hand, and affix thereto the seal of the county, and shall without delay deliver the same to any person who shall be so elected; and said clerk shall within five days thereafter transmit to the secretary of state, at Trenton, a copy of such certificate, signed with his own hand and attested by the seal of the county.

3. *And be it enacted*, That any applicant for such recount shall file with the county clerk a bond with two or more sureties, to be approved by the justice holding the county circuit, or the county clerk, in the penal sum of five hundred dollars, conditioned to pay all costs in case the original count be confirmed, or the result of such recount is not sufficient to change the result as declared by the board of county canvassers; and that said justice shall be empowered to fix and determine the amount of compensation to be paid for making such recount of the ballots; and if it shall appear that an error sufficient to change the result shall have been made by any board of canvassers, then the expense of such recount shall be paid by the collector of the county, upon the warrant of said justice, the same as other election expenses are paid; but if no error shall appear sufficient to change such result, then the expenses of such recount shall be paid by the party making the application.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

5. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 11, 1880.

CHAPTER CLX.

An Act to amend an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," approved April second, one thousand eight hundred and seventy-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventeen of the act to authorize the formation of railroad corporations and to regulate the same, approved April second, one thousand eight hundred and seventy-three, which reads as follows:

"17. *And be it enacted*, That any company incorporated under this act may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, work shops and such other buildings and improvements as they may deem expedient for the safety of their property, and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross such piers and bridges as they may deem expedient, and that all lands, tenements, hereditaments and real estate acquired by any such company, not used by it for the immediate use and occupancy of its rails, tracks, depot and freight buildings, shall be subject to the same tax as the property of individuals, and said tax shall be assessed, levied and collected by the authorities where the same may lie in the same manner as other taxes are levied, assessed and collected, any law, custom or usage to the contrary notwithstanding; and that it shall be lawful for any corporation, incorporated under this act at any time

Section to be amended recited.

during the continuance of its charter, to lease its road, or any part thereof, to any other corporation or corporations of this or any other state, or to unite and consolidate as well as merge its stock, property and franchises and road with those of any other company or companies of this or any other state, or to do both; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate as well as merge its stock, property, franchises and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate such road and their own roads, or all or any of them, and transport freights and passengers over the same, and take compensation therefor, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted, or hereafter to be granted to another corporation for the transportation of freights and passengers between any points on the lines of said roads, or any other points within or without this state; *provided, however*, that nothing in this act shall authorize any railroad companies, incorporated under a special act of the legislature, to charge for transportation of freight or passengers over the roads constructed under said special act more than they may be authorized to charge by the provisions of their respective acts of incorporation," be and the same hereby is amended so as to read as follows:

Companies incorporated may purchase, have and hold real estate, and erect depots, warehouses, workshops, &c.

17. *And be it enacted*, That any company incorporated under this act may purchase, have and hold real estate at or near the commencement and termination of the said road, or at any other point on the line of the said road where the directors may think proper to establish a depot, not exceeding ten acres at each place, and may also erect and build thereon houses, warehouses, workshops and such other buildings and improvements as they may deem expedient for the safety of their property and for other necessary uses appertaining to their business, and receive the rents and emoluments thereof, and may build and maintain over such streams as the road may cross, such piers and bridges as they may deem expedient; and that all lands, tenements, hereditaments and real estate acquired by any such com-

pany not used by it for the immediate use and occupancy of its rails, tracks, depot and freight buildings shall be subject to the same tax as the property of individuals, and said tax shall be assessed, levied and collected by the authorities where the same may be, in the same manner as other taxes are levied, assessed and collected, any law, custom or usage to the contrary notwithstanding ; and that it shall be lawful for any corporation, incorporated under this act, or under any of the laws of this state, at any time during the continuance of its charter, to lease its road, or any part thereof, to any other corporation or corporations of this or any other state, or to unite and consolidate as well as merge its stock, property and franchises and road with those of any other company or companies of this or any other state, or to do both ; and such other company and companies are hereby authorized to take such lease, or to unite, consolidate, as well as merge its stock, property, franchises and road with said company, or to do both, and after such lease or consolidation the company or companies so acquiring said stock, property, franchises and road may use and operate such road and their own roads, or all or any of them, and transport freights and passengers over the same, and take compensation therefor, according to the provisions and restrictions contained in this act, notwithstanding any special privilege heretofore granted, or hereafter to be granted to another corporation for the transportation of freights and passengers between any points on the lines of said roads or any other points within or without this state ; *provided, however,* that nothing in this act shall authorize any railroad companies incorporated under a special act of the legislature, to charge for transportation of freight or passengers over the roads constructed under said special act, more than they may be authorized to charge by the provisions of their respective acts of incorporation.

Lands, &c., not used, &c., to be assessed as other property.

Authorized to lease road or to unite, consolidate and merge stock, &c., with any other company.

Proviso.

2. *And be it enacted,* That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXI.

An Act to defray the incidental expenses of the New Jersey legislature for the session of one thousand eight hundred and eighty.

State treasurer
to pay certain
amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named, the following amounts, viz.:

Item No. 1. To A. H. Rickey, for furnishing parchments and preparing oaths of members and officers of the senate and general assembly, fifty dollars, \$50 00

Item No. 2. To H. G. Scudder, for towels, &c., furnished house of assembly, seven dollars and sixty cents, 7 60

Item No. 3. To A. Kessler, for keys, locks, and repairing desks, locks, et ceteras, for house of assembly, seventeen dollars and forty-one cents, 17 41

Item No. 4. To R. J. B. Slack, as secretary to committee on incidental expenses, fifty dollars, and amount paid newspapers for advertising notice of incidental committee, four dollars and twenty cents, 54 20

Item No. 5. To John L. Murphy, for stationery furnished engrossing clerk of the senate, one hundred and forty-five dollars and five cents, 145 05

Item No. 6. To John L. Murphy, for stationery furnished engrossing clerk of the house of assembly, two hundred and thirty-one dollars and ninety cents, 231 90

Item No. 7. To Ellen Meley, for cleaning senate and assembly chambers and committee rooms during the session of one thousand eight hundred and eighty, two hundred dollars, 200 00

Item No. 8. To the Jordan Stationery Company, for patent bill files, and alterations and expressage on same, furnished house of assembly, one hundred and seventy-two dollars and forty-one cents, 172 41

Item No. 9. To N. W. Voorhees, secretary of the senate; William Cloke, assistant secretary; A. S. Barber, Jr., journal clerk; Peter I. Ten Broeck, doorkeeper; Silas P. Genung, keeper of the gentlemen's gallery, and Henry Schenck, keeper of the ladies' gallery, for services at opening of the senate, session of one thousand eight hundred and eighty, ten dollars each, 60 00

Item No. 10. To the clergy, for services in opening the sessions of the legislature of the year one thousand eight hundred and eighty with prayer, ten dollars each,

Item No. 11. To John L. Murphy, for wrapping paper, envelopes, brushes, rubber bands, et cetera, furnished sergeant-at-arms of the house of assembly, one hundred and forty-two dollars and sixty-five cents, 142 65

Item No. 12. To Alden C. Scovel, for professional services and advice rendered to committee on elections during session of one thousand eight hundred and eighty, fifty dollars, 50 00

Item No. 13. To Thomas B. Starr, for services rendered as assistant engrossing clerk of the house of assembly, three hundred dollars, 300 00

Item No. 14. To John B. Fell, for expenses and services in serving subpoenas, et cetera, in the election case of Robinson versus Stockton, ten dollars, 10 00

Item No. 15. To John B. Fell, for witnesses fees paid in election case of Robinson versus Stockton, fifteen dollars, 15 00

Item No. 16. To John Simpson, for washing spittoons and cleaning water closets, et cetera, for senate and house of assembly, one hundred and forty dollars, 140 00

Item No. 17. To Mrs. Augusta Simpson, for washing and ironing towels, et cetera, for house of assembly, twenty-five dollars,	25 00
Item No. 18. To John L. Murphy, for stationery, et cetera, furnished committee on stationery, thirty dollars and seven cents,	30 07
Item No. 19. To Walter T. Hutchinson, for services as bill clerk of house of assembly, one hundred dollars,	100 00
Item No. 20. To George D. Bower, bill clerk; William J. Seaton, Oscar Johnson, George Timball and Thomas McNicol, pages of the house of assembly, for services at opening of the session of one thousand eight hundred and eighty, ten dollars each,	50 00
Item No. 21. To T. J. McDonald, for expenses incurred and counsel fees in contested election case of McDonald versus Sheeran, three hundred dollars,	300 00
Item No. 22. To Patrick Sheeran, for expenses incurred and counsel fees in contested election case of McDonald versus Sheeran, three hundred and fifty dollars,	350 00
Item No. 23. To J. Owen Rouse, for expenses incurred and counsel fees in contested election case of Rouse versus Taylor, two hundred dollars,	200 00
Item No. 24. To John L. Murphy, for stationery, et cetera, furnished clerk of house of assembly, one hundred and forty-five dollars and thirty cents,	145 30
Item No. 25. To John L. Murphy, for stationery, et cetera, furnished speaker of the house of assembly, one hundred and twenty dollars and ten cents,	120 10
Item No. 26. To Noah D. Taylor, for expenses incurred and counsel fees in contested election case of Rouse versus Taylor, three hundred dollars,	300 00
Item No. 27. To William R. Williams, for expenses incurred and counsel fees in contested	

election case of Williams versus Brown, six hundred dollars,	600 00
Item No. 28. To William H. Brown, for expenses incurred and counsel fees in contested election case of Williams versus Brown, six hundred dollars,	600 00
Item No. 29. To Frederick S. Fish, for services as master in chancery, taking testimony, and so forth, in contested election case of Williams versus Brown, two hundred and twenty-four dollars and thirty cents,	224 30
Item No. 30. To John L. Murphy, for stationery furnished by order of the president of the senate, ninety-five dollars and seventy cents,	95 70
Item No. 31. To William A. Smith, for attendance as witness with ballot box, and services, and so forth, in contested election case of Williams versus Brown, twenty-five dollars,	25 00
Item No. 32. To W. H. C. Murphy, for baskets, matches, brushes, and so forth, furnished house of assembly, sixty-one dollars and ten cents,	61 10
Item No. 33. To William S. Sharp, for printing one thousand extra copies of the state geologist's report, as ordered by house of assembly, one hundred and twenty-five dollars,	125 00
Item No. 34. To Frank A. Huber and A. H. Mead, for services as assistant door keepers of the house of assembly, one hundred dollars each,	200 00
Item No. 35. To Henry R. Mayer, for altering chairs, repairing desks, et cetera, for house of assembly, thirty-one dollars and seventy-five cents,	31 75
Item No. 36. To W. H. C. Murphy, for lamps, oil, et cetera, for engrossing clerk's room of senate, five dollars and seventy cents,	5 70
Item No. 37. To Cook and Jacques, for furnishing ice pitcher and salver for president's room of the senate, sixteen dollars,	16 00
Item No. 38. To David Campbell, for services in attending electrical gas machine in the sen-	

ate chamber and house of assembly, one hundred dollars,	100 00
Item No. 39. To C. H. Benson, for services as clerk to the committee on reform school for boys in taking testimony, ten dollars,	10 00
Item No. 40. To John L. Murphy, for stationery, et cetera, furnished secretary of the senate, one hundred and forty dollars and eighty cents,	140 80
Item No. 41. To John L. Murphy, for minute books, calendars, et cetera, furnished clerk of house of assembly, one hundred and three dollars and fifty cents,	103 50
Item No. 42. To George T. Dudley, for stationery, rubber bands, ink, paste, et cetera, furnished clerk committee on engrossed bills, house of assembly, thirty-eight dollars and seventy-five cents,	38 75
Item No. 43. To George T. Dudley, for stationery, rubber bands, wrappers, ink, et cetera, furnished house of assembly, by order of the committee on stationery, one hundred and seventy three dollars and seventy cents,	173 70
Item No. 44. To John L. Murphy, for minute books, calendars, et cetera, furnished secretary of the senate, ninety dollars,	90 00
Item No. 45. To William Shields, for services as clerk to committee on engrossed bills, five hundred dollars,	500 00
Item No. 46. To William H. C. Murphy, for matches furnished sergeant-at-arms house of assembly, three dollars,	3 00
Item No. 47. To William H. Brown and William R. Williams, each the amount of the annual salary of a member of the legislature, less such sums as may have already been paid to them for account of such salary.	
Item No. 48. To Fitzgerald & Gosson, one hundred and sixty-two dollars for furnishing each member of the legislature with two copies of the manual of the one hundred and fourth session of the legislature of New Jersey,	162 00

Item No 49. To E. Wells Sackett & Brother, for stationery furnished state of New Jersey, five hundred and twenty-two dollars and ninety cents, 522 90

Item No. 51. To W. S. Snyder, for services in office of engrossing clerk of the senate, three hundred dollars, 300 00

Item No. 52. To George T. Dudley, for stationery bill files, rubber bands, press and mucilage, wrapping paper, twine, et cetera, two hundred and ninety-nine dollars and sixty-three cents, 299 63

Item No. 53. To William Baker, for towels, one dollar and forty cents, 1 40

Item No. 54. To L. L. Mulford, for serving subpoenas and for witnesses fees, twenty dollars, 20 00

Item No. 55. To Mary A. V. Lee, for washing and ironing towels for senate chamber, twenty-five dollars, 25 00

Item No. 56. To Henry S. Boice, the amount of salary provided by law for doorkeeper of the senate.

Item No. 57. To Edwin Sutphin, for carriage hire for the committee on industrial school for girls, eight dollars, 8 00

Item No. 58. To John L. Murphy, for engrossing paper and for ribbons furnished the senate, seventeen dollars, 17 00

Item No. 59. To A. H. Rickey, for furnishing blanks, and so forth, and engrossing resolutions of the senate relative to harbor at Atlantic City for members of Congress, as by order of the President of the Senate, fifty dollars, 50 00

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXII.

A further act in relation to the number of lay judges of the inferior courts of common pleas in the several counties in this state.

No appointment of lay judges to be made until number is reduced.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no further appointments of lay judges of the inferior courts of common pleas in the respective counties of this state shall be made until the number of such judges shall be reduced to two in counties having a law judge, and three in all other counties; and thereafter there shall be but two lay judges of such court in counties having a law judge, and not more than three lay judges in all other counties.

Action of court when valid.

2. *And be it enacted*, That any action of said court requiring the concurrence of three judges, shall be valid and effectual when concurred in by a majority of the judges of such court.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXIII.

An Act for incorporation of companies for draining and improving meadows and lands overflowed by tide water.

Owners may associate and form a company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners of any body or

tract of not more than two hundred acres of meadow, marsh, swamp or low lands in this state, exposed to the overflow of the tide, may associate and form an incorporated company for the purpose of improving such lands, and for the further purpose of erecting and constructing across any stream of water that may flow through said land, any bank, dam, sluice, floodgates or water works necessary to secure the same from the overflow of the tide.

2. *And be it enacted*, That any such owners of three-fourths or more of any body or tract of not more than two hundred acres of such lands, who shall sign a certificate setting forth that they have formed such a company under the provisions of this act, and the name adopted for such company and the city, borough or township where its business is to be transacted and the county wherein such lands are situate, and shall cause the same to be delivered to the clerk of such county, who shall immediately file and record the said certificate in his office, in the book of corporations therein kept; thereupon, together with all other owners of such body of land and all those who may afterwards become owners thereof, their successors and assigns, shall be a body corporate and politic in law with all the usual powers incident to corporations, aggregate in this state.

Owners to sign certificate of formation, and file same in office of clerk of county.

3. *And be it enacted*, That immediately after the filing of said certificate, as aforesaid, any three of the members of such company may call a meeting of the said company, to be held not less than ten days from date of the filing of said certificate, and at some public place in the city, borough or township nearest to said lands, by giving five days' notice in writing to each of said owners, or by two weeks' notice by advertisement in one or more newspapers printed and published in the county where said lands are situate, specifying the time and place, when and where said meeting shall be held; at which time and place the owners of one-half or more of the lands included in said company, having met in person or by proxy, shall proceed to adopt such a constitution and by-laws for the government and management of their business as they shall deem proper; *provided* the same shall not be made inconsistent with this act, or contra-

Meeting of company.

May adopt by laws, &c.

Proviso.

vene the laws or constitution of this state or of the United States; and to elect by ballot or otherwise, as the said constitution shall prescribe, a president, three managers, a treasurer and a clerk, who shall be members of the said company, whose several duties and terms of office, and the filling of any vacancy or vacancies therein, and all matters not herein provided for, shall be regulated by the constitution and by-laws of the company.

President and managers shall cause surveys, maps, &c., to be made.

Owners of lands to meet.

Survey, and maps &c., to be open to inspection.

4. *And be it enacted*, That the president and managers of any company, formed in pursuance of this act shall, within one year after the organization of the same, as aforesaid, make or cause to be made a survey of the exterior limits or boundaries of such body or tract of land over which the tidewater flows, and which may be reclaimed, and shall cause each owner's share within said limits to be strictly measured, and a correct plot or map of the same to be made, exhibiting the entire bounds of the survey; as, also, the owner's name and number of acres held by each owner respectively; and after they have made or caused to be made such a survey and map as aforesaid, they shall give ten days' notice in writing to each of the owners of said land, or by three weeks' notice by advertisement in one or more newspapers printed and published in the county wherein said lands are situated, that a meeting of the owners of said lands will be held in the city, borough, or township nearest to the place where said lands lie, at a certain time and place in said notice to be named, and that they will then and there have present said survey and map; and that said president and managers shall, at such meeting so called, make a public exhibit of their said survey and map, with the names of the owners and the number of acres owned by each as aforesaid, and shall hear any objections that may be made to the same and shall make such corrections and amendments thereto as the said president and managers, or a majority of them, shall deem just and right, which said survey and map, corrected and amended, if any corrections or amendments thereto be made, shall be endorsed with a certificate of said president and managers, or a majority of them, that said survey and map is correct and true according to the best of their skill and understanding, and

the same shall be filed with the clerk of the county where such lands are situate, and the same so filed shall be final and conclusive against all parties concerned, and shall be the basis upon which all assessments of taxes for the purposes of this act shall be made.

5. *And be it enacted*, That it shall and may be lawful for any said company formed in pursuance of this act, to construct in and across any stream of water that may flow through their said lands, at the most convenient points thereupon, above any established wharf or landing and above where navigation for sailing and other vessels engaged in the transportation of passengers, goods, wares, and merchandise at ordinary high water ceases, or may be obstructed, otherwise than by any such dam or bank, good and sufficient banks, dams, sluices, flood gates or pipes, or any or either of them with the necessary foundations and abutments, and to do all necessary work in and about the construction of the same that will the more effectually exclude the tide from such land, and after the same are constructed to maintain and keep in suitable and proper repair; and for the purpose of making and constructing such bank or dam, to take and use any earth, mud, sod or other materials in any part of said lands, the most convenient thereto, and to have free ingress and egress for themselves, their employees and teams through any part thereof, doing no unnecessary damage to the owners thereof; and if any unnecessary damage should be done to any of said owners, such damage to be assessed by three disinterested persons mutually chosen by such aggrieved owner and the managers of said company, and the decision of any two of such arbitrators shall be final, and the amount of damages so assessed shall be paid by the said company forthwith.

6. *And be it enacted*, That on and after such map shall have been filed as aforesaid, then the president and managers of any such company, or a majority of them, shall have full power and authority to select the location and to construct any such dam or other water works in such way and of such materials and of such character and dimensions as they may think necessary and proper to carry into full effect this act, and to assess the owners of the lands included in said company rateably according

Survey and maps to be filed with county clerk.

Lawful for company to construct banks, dams, sluices, flood-gates, &c.

May enter upon lands, &c.

Damages how assessed and paid.

President and managers empowered to construct dams, &c. and to assess owners of lands for cost of building. &c.

To determine the
payment of as-
sessments, &c.

to the number of acres thereof severally held by them, in such sum or sums of money as shall be necessary for the erection of the said banks, dams, and other water works, and from year to year so to assess such sum or sums of money as they may deem necessary to be raised for repairing and maintaining the said banks, dams, and other water works, and for redeeming and cancelling the bonds of such company and for paying off and discharging the interest due thereon; they shall determine the time or times of payment of such assessments, and shall make out and deliver a specific duplicate in writing thereof to the treasurer of the company forty days before the time or times of payment appointed therein; and the said duplicate, or a copy thereof, duly certified by said treasurer, shall be by him immediately filed in the clerk's office of the county wherein said lands are situate, and the same so filed shall be sufficient notice of the lien upon said lands, and a full receipt for any such assessment given by such treasurer to any such owner, or a duplicate copy thereof filed in such clerk's office, shall be notice of the release of the lien of the assessment so receipted for.

If owners neglect
or refuse to pay
amount assessed,
the managers em-
powered to sue for
the same.

7. *And be it enacted*, That if any of said owners shall neglect or refuse to pay the sum or sums on them severally assessed from time to time, for the space of thirty days after the same shall have been demanded by the treasurer, in person or by notice in writing left at the usual place of abode of each owner, or in case such owner is a non-resident, then to his agent or tenant in possession, then it shall and may be lawful for the said managers, or a majority of them, at their option, in the name of the company, to sue for and recover the amount so assessed and remaining unpaid, from the owner or owners as aforesaid, or from his, her or their legal representative, with interest and cost of suit by an action of debt in any court of competent jurisdiction in this state, and give the said assessment and this act in as conclusive evidence for the plaintiffs, and the said court is hereby empowered to give judgment and grant execution for the same with costs of suit.

Assessments to
remain a lien un-
til paid.

8. *And be it enacted*, That all assessments which shall be assessed by any company formed in pursuance of this

act, upon any lands included in said company, and shall remain a lien thereon from the time of filing of such assessment as aforesaid, until paid or otherwise satisfied; notwithstanding any subsequent descent, demise, alienation, mortgage or other incumbrance thereof; and if the full amount of any such assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the managers of any such company, or the majority of them, to cause the said lands, or such parts thereof as they shall think proper, to be sold at public auction for the shortest term which any person will agree to take the same and pay such assessment or the balance thereof remaining unpaid, with interest thereon, and all costs, charges and expenses, including costs of advertising, selling and executing the deeds; and to make and execute under the seal of the company and deliver to the purchaser a deed for the same, and such purchaser, his, her or their legal representatives, shall by virtue thereof lawfully hold and enjoy the said lands for his, her or their own use, against the owner or owners thereof, and all persons claiming under him, them or any of them, until his, her or their term therein shall be completed and ended; and shall be at liberty at or before the end of his, her or their term to remove any building or buildings and materials erected and placed thereon by him, her or them, and when said term shall have been ended, shall peaceably and quietly yield up the said lands to the legal owner or owners thereof, in as good condition as when he, she or they took possession of the same, damage resulting from ordinary use and the elements excepted.

Lawful for the managers to cause lands to be sold at public auction if assessment is not paid.

9. *And be it enacted*, That before making any sale by virtue of this act, it shall be the duty of such managers, or a majority of them, to give notice of the time and place of said sale by advertisement signed by themselves and inserted in one or more newspapers printed and published nearest to the place in the county in which said lands are situate for at least sixty days, once in each week, before the time appointed for such sale, and also set up, for the same period, in at least ten of the most public places in the township wherein said lands may lie, which advertise-

Notice of sale to be given and published.

ment shall mention a short description, with metes and bounds, of said lands, the amount of the assessment due, and the owner or reputed owner's name and the said lands so sold may be redeemed by the owner or owners thereof, or by the mortgagee or mortgagees thereof, within two years from the day of sale, on the payment of the purchase money with interest thereon, and all expenses and charges necessarily incurred thereon by the purchaser or purchasers aforesaid, and in case the same shall be redeemed as hereinbefore provided for by the mortgagee or mortgagees, or, if the said mortgagee or mortgagees shall have paid any assessment with interest and costs thereon to prevent the said lands from being sold, to pay the same, then in that case the whole amount of payment shall be recovered under and by virtue of the mortgage which the said mortgagee or mortgagees may hold upon said lands in the same manner in all respects as if the same were included in and intended to be secured thereby, and any mistake in the name or names of the owner or owners, or omission to name the real owner of any said lands making any such assessment, shall not invalidate the said assessment or the sale of said lands as aforesaid, and it shall be lawful for the tenant in possession of said lands upon which any such assessment may be a lien, to pay the same, if not paid within the time limited, and the receipt of the treasurer of said company therefor shall be a receipt of the tenant for so much rent paid.

Lands may be redeemed by the owner or mortgagee.

Mistake in name not to invalidate sale.

Owner and occupier of meadow and land to cause their lands to be drained, &c.

On failure of owner, managers to drain lands, &c.

10. *And be it enacted*, That as soon as such dam or other water works are constructed as is provided for in this act, it shall be the duty of each and every owner and occupier of the said meadow and low lands included in any said company to cause his, her or their respective portion or shares thereof to be thoroughly and effectually drained as is in the judgment of the managers, or of a majority of them deemed necessary to secure the improvement of the said meadow and low lands, contemplated by the provisions of this act, and in case of default of the performance on the part of the said owners or occupiers to drain the same and to keep the same drained as aforesaid, after twenty days' notice, in writing, signed by the president and served upon the owner, his

tenant or agent, it shall be lawful for the said managers, or a majority of them, to cause the same to be done, and all costs and expenses for doing the same, shall be assessed upon the premises so drained, and shall be a lien thereon, and shall be collected as is provided in this act for the collection of other assessments. Costs and expenses to be assessed and remain a lien

11. *And be it enacted*, That it shall and may be lawful for the president and managers of any company formed in pursuance of this act, and they are hereby empowered to borrow any sum or sums of money for the erection and construction, maintaining and repairing of such dams, banks, and other water works, as the said company may from time to time order and direct, and may issue bonds of said company therefor, and for the security of the payment thereof, all the lands included in any said company shall be a pledge for the payment of its respective share, in whose lands the same may come. Managers empowered to borrow money, and issue bonds, &c.

12. *And be it enacted*, That this act shall not apply to or affect any stream or body of water (or any meadow, marsh, swamp or low land through which the same may flow or in which the same may be) bordering upon which or lying adjacent to which there shall be more than two hundred acres of meadow, marsh, swamp or low land; that the legislature may at any time, alter, amend or repeal the charter of any company created under this act. Act not to apply or affect certain streams, &c.

13. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXIV.

An Act respecting the salaries and compensation of clerks of counties in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties of this state Salary of county clerks to be paid by the county collector.

Fees, costs, &c.,
how taxed, and
by whom collect-
ed.

as to which it is now or shall hereafter be provided by law that the compensation of the county clerks shall be by annual salary, the said salary shall be in lieu of all fees, costs or other remuneration or compensation whatsoever for any and all services required to be performed by said clerks, and shall be paid to said clerks in quarterly payments by the collectors of said counties respectively, and all fees, costs and compensation that are now allowed said clerks for services in the courts of said counties shall be taxed in all bills of costs the same as they are now taxed, and shall be, in each county, collected by the sheriff, and be by him paid over to the county collector for the use of the county; and the fees now allowed by law for all other services rendered by the said clerks shall be by them collected and paid over to the said collectors respectively.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this shall be a public act and take effect immediately, saving and excepting that so far as the same increases or diminishes the salary, fees or compensation of any of said clerks now in office during the term for which said clerk was elected or appointed, it shall take effect only upon and immediately after the end of such term.

Proviso.

Approved March 11, 1880.

CHAPTER CLV.

A Further Supplement to an act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Overseers of roads
to keep accurate
accounts of all
work and labor
performed in
books.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any of the townships of this state, where the highways are opened, cleared out, made, worked, amended, repaired and kept in order

by hire, the town committee of such township or townships may at their discretion provide the overseers of the roads of the respective districts in their townships, with books, in which said overseers shall set down and keep accurate accounts of all work and labor done by each man and team on the roads in their respective road districts, and they shall submit their respective books containing said accounts, properly verified, under oath, to the town committee of the township in which said road district is situate, on or before the first Saturday in December of each year, for their examination, and when said accounts are examined and marked approved by the said town committee, the amount so found due to each and every person owing tax to the township shall be credited thereon, and be deducted by the collector of taxes of said township from the amount of tax due from such person.

Books to be verified by oath.

Amounts due to persons owing tax shall be credited by collector.

2. *And be it enacted*, That in the townships in this state where said highways are opened, cleared out, made and worked by hire, the amount paid for labor by men and teams thereon, shall not exceed the ordinary price paid for such labor to other parties for similar work in their respective neighborhoods.

Amounts paid for labor, &c., not to exceed the ordinary price.

3. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXVI.

A Further Supplement to the act entitled "An act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

Secretary of state and clerks to make a full statement to the comptroller of sums charged and included in taxed bills of costs, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the clerk of the supreme court, and of the county clerks of the several counties in this state, and of the clerk in chancery, and of the secretary of state of this state, within ten days after the close of each term of the courts of which they are respectively the clerks, to make a full and itemized statement and return to the comptroller of the treasury of this state, of the sums which they have respectively charged and included in taxed bills of costs, or which may have accrued in any case, or which they have received under the provisions of section two of this act, during said term, for any costs or fees taxable, or to be received by them as aforesaid, in regard to or for the services of the chancellor, the chief justice and the associate justices of the supreme court, respectively, under any law now or hereafter in force fixing such costs or fees, which statements shall be made under oath and upon blanks containing a form of the said statement and oath, to be furnished to said clerks by said comptroller, and shall be filed in his office.

Fees for orders, writs, &c., to whom paid.

2. *And be it enacted*, That the fees now or hereafter fixed by law for any order made, writ allowed, rule or motion granted, or other service rendered by said chancellor, chief justice or associate justices shall, when the same is made, allowed, granted or rendered at chambers and not in open court, be paid to and demanded and received by the clerk of the court to which the same may appertain, at the time of the filing of said order or writ or the entry of said rule, or the entry under said motion or other services, in the minutes of the court or in the docket of the clerk thereof; and the clerk of the court who may receive the same shall include the amount received in the statement in this act required to be made to said comptroller, and also in the amount to be paid by him to the treasurer of this state, under section three of the act approved February ninth, one thousand eight hundred and eighty, entitled "A supplement to an act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

Clerk to include amount in his statement.

3. *And be it enacted*, That every court clerk whose duty it is made by section one of this act to render a statement and return of the fees and costs charged and received by him as aforesaid, during each term, is hereby authorized to retain for his own use five per centum on what he may collect of the amount shown or contained in each statement and return so made by him, after first paying the balance of the amount so collected, to the state treasurer, and receiving from the said comptroller a certificate showing upon or in relation to what statement and return the payment is made, and that the said five per centum is properly allowed and deducted; said payments to be made to said state treasurer quarterly as now required by section three of said act approved February ninth, one thousand eight hundred and eighty, entitled "A supplement to an act respecting the compensation of the chancellor and the justices of the supreme court of this state," approved March fourteenth, one thousand eight hundred and seventy-nine.

Every clerk
authorized to re-
tain five per cent-
um of amount
collected.

Payments to be
made quarterly.

4. *And be it enacted*, That this act shall only apply to the costs and fees taxable in regard to or for the services of said chancellor, and in regard to or for the services of any justice of the supreme court who may now or hereafter receive or accept, by law, a fixed salary or compensation in lieu of fees.

Act how to apply.

5. *And be it enacted*, That this shall be a public act, and take effect immediately.

Approved March 11, 1880.

CHAPTER CLXVII.

An Act concerning past due assessments in certain cities
of this state.

Preamble.

WHEREAS, In certain cities of this state, many of the benefit assessments for local improvements heretofore made by commissioners against the owners of lands and real estate claimed to have been specially benefited thereby, were laid upon illegal and erroneous principles and without regard to the peculiar benefit derived by reasons thereof as required by law, which assessments were intended to be legal and valid liens on such lands and real estate; *and whereas*, collections thereof cannot be enforced by the corporate authorities of such cities, but such assessments are liable to be vacated by the courts; *and whereas*, in many instances, the owner or owners of such property are willing and desirous to free the same from the pretended lien thereof, and to pay an amount equal to the peculiar benefit derived, and it is to the mutual advantage of all parties in interest that such assessments should be so equitably settled; therefore,

Common council
empowered to re-
bate and reduce
assessments or
may arbitrate as-
sessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or governing body of any city, as the case may be, at their discretion, after proper inquiry made, are hereby empowered and authorized to rebate and reduce such assessment or assessments, and to accept such lesser amount in full payment and satisfaction thereof, or such common council or other governing body may agree to arbitrate such assessment or assessments upon application from such owner or owners that such course be adopted, such petitioner or petitioners to bind himself or themselves in writing to submit to, abide by, and pay the amount awarded by such arbitration, and that such award, from the date of its signing, shall be a legal, valid and effectual lien on the lands and real estate covered by such illegal and erroneous assessment; *and further*, that such award may at any time, upon five days' notice in writing, be made a rule of the circuit court of the county wherein such city may be situate, and from and after the entry thereof, such owner or owners shall be personally liable for the payment of the amount so awarded.

On failure of
council to arbitrate,
owner or owners may ap-

2. *And be it enacted*, That in case such common council or other governing body shall refuse to arbitrate such

illegal and erroneous assessment or assessments, the owner or owners of such lands and real estate may, upon the giving of five days' notice in writing, make application to a justice of the supreme court for the appointment of arbitrators to determine and settle the question of the peculiar benefit derived by such lands and real estate by reason of such improvement or improvements, and such justice in his discretion, upon good cause shown, may appoint two discreet and impartial persons as such arbitrators, who shall make and sign an award or report in writing, stating therein the amount of such peculiar benefit; the same to be binding and conclusive; said award or report may likewise be made a rule of the circuit court of the county wherein such city is situate, and from the date of the entry of such rule render such owner or owners personally liable; and further, if such arbitrators be unable to agree, they are authorized and empowered to choose a third person to act with them as arbitrator, in such case, the award of any two of such arbitrators as to the amount of the peculiar benefit, to be binding and conclusive.

ply to justice of
supreme court for
appointment of
arbitrators.

Arbitrators to
make awards, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXVIII.

An Act to enable parties to whom awards have been made, over six years ago for damages resulting from change of grade to recover the same by suit if payment thereof is refused.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That whenever heretofore, at any time, even although more than six years have elapsed, the city council, board of aldermen or other governing

Assessment of
damages and
benefits assessed
heretofore con-
firmed to be paid.

Failure of city to
pay parties may
sue and recover
award.

Amount how
raised.

body of any city in this state have confirmed the assessment of damages allowed and benefits assessed by change of grade of any street or part of a street in any such city and the city treasurer or other proper financial officer has been directed to tender and pay the damages allowed on said assessment and the same have not been paid, that such city shall pay said damages to the party or parties to whom awarded and who are now entitled thereto and on failure to make such payment any party entitled to such damages and to whom an award has been made, may if payment is refused, sue therefor and in such suit shall recover so much of said award, and only so much, as the jury shall find will pay for the damages his property sustained by such change of grade; the amount of all such payment shall be raised by taxation in the next tax levy.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 11, 1880.

CHAPTER CLXIX.

An Act limiting the time for commencing actions against assignee of any person or persons making an assignment for the benefit of his or their creditors.

Actions of trespass or replevin to be commenced and sue within nine months after assignment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all actions of trespass or replevin, or other action whatsoever, against the assignee, as such, of any person or persons making an assignment for the benefit of his or their creditors, under the laws of this state, in that behalf, shall be commenced and sued within nine months from and after the date of said assignment, and not afterwards.

Rights of action to be commenced and prosecuted within nine months.

2. *And be it enacted*, That all persons now having any right of action against the assignee, as such, of any person or persons who may have made an assignment for

the benefit of his or their creditors, prior to the passage of this act, shall commence and prosecute such action within nine months from and after the passage of this act, and not afterwards.

3. *And be it enacted*, That nothing in this act contained shall be construed to affect or relate to the proceedings in the orphans' court on the filing of the final account of any such assignee, as now provided by law. Act not construed to affect proceedings in orphans' court.

4. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this shall be a public act and take effect immediately. Repealer.

Approved March 12, 1880.

CHAPTER CLXX.

An Act concerning proceedings on bonds and mortgages given for the same indebtedness and the foreclosure and sale of mortgaged premises thereunder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings to foreclose mortgages hereafter commenced, no decree shall be rendered therein for any balance of money which may be due complainant over and above proceeds of the sale or sales of the mortgaged property, and no execution shall issue for the collection of such balance under such foreclosure proceedings. No decree to be rendered in foreclosure suits for balance of money due over and above proceeds of sale.

2. *And be it enacted*, That in all cases where a bond and mortgage has or may hereafter be given for the same debt, it shall be lawful to proceed first to foreclose the mortgage, and if at the sale of the mortgaged premises under said foreclosure proceedings the said premises should not sell for a sum sufficient to satisfy said debt, interest and costs, then and in such case it shall be lawful to proceed on the bond for the deficiency, and that in all suits on said bond, judgment shall be rendered When premises sold do not bring amount to satisfy debt, it may be lawful to proceed on bond for deficiency.

and execution issue only for the balance of debt and costs of suit.

When persons recover a judgment for balance of debt, the foreclosure and sale of premises shall be opened, and the owner may redeem property.

3. *And be it enacted*, That if after the foreclosure and sale of any mortgaged premises the person who is entitled to the debt shall recover a judgment in a suit on said bond for any balance of debt; such recovery shall open the foreclosure and sale of said premises, and the owner of the property at the time of said foreclosure and sale may redeem the property by paying the full amount of money for which the decree was rendered with interest, to be computed from the date of said decree, and all cost of the proceedings on the bond; *provided*, that a suit for redemption is brought within six months after the entry of such judgment for the balance of the debt.

Proviso.

Sheriff or other officers to report sale to court, with name of purchaser and price, &c.

4. *And be it enacted*, That in all foreclosure proceedings hereafter commenced, the sheriff or other officer who may be directed to sell any mortgaged premises, shall, after making such sale, report the same within five days thereafter to the court out of which an execution or order to sell is issued, stating the name of the purchaser or purchasers and the price obtained, and if the said court, or a judge thereof, shall approve of such sale, they shall confirm the same as valid, effectual in law, and shall, by rule of court allowed in open court, or by a judge thereof at chambers, direct the said sheriff or other officer to execute good and sufficient conveyance in law to the purchaser or purchasers for the mortgaged premises so sold; *provided*, that no sale of mortgaged premises shall be confirmed by the court or further proceedings had until the court, or such judge, is satisfied by evidence that the property has been sold at the highest and best price the same would then bring in cash, and such evidence may be in the form of affidavits.

Proviso.

Repealer.

5. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXI.

A Further Supplement to the act entitled "An act respecting conveyances," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every deed or conveyance of lands, tenements or hereditaments, lying and being in this state, to any purchaser of the same, which shall be made and executed on or after the fourth day of July, in the year of our Lord one thousand eight hundred and eighty, shall be void and of no effect against a subsequent judgment creditor or *bona fide* purchaser or mortgagee for a valuable consideration, not having notice thereof, unless such deed or conveyance shall be acknowledged or proved and recorded, or lodged for that purpose with the clerk of the court of common pleas, but in counties where there is a register of deeds and mortgages, with the register of deeds and mortgages of the county in which such lands, tenements and hereditaments are situated, within fifteen days after the time of signing, sealing and delivering the same; *provided, nevertheless*, that such deed or conveyance shall, as between the parties and their heirs, be valid and operative.

Conveyance of lands to be void against judgment creditors, purchasers, &c., unless conveyances shall be recorded within a certain time.

Proviso.

2. *And be it enacted*, That when any deed or conveyance, hereafter recorded, shall not be recorded, as above provided, within fifteen days after the time of signing, sealing and delivering the same, such deed or conveyance shall not operate against any *bona fide* purchaser for a valuable consideration, not having notice thereof, whose deed or conveyance for the same lands, tenements and hereditaments shall be previously recorded, or lodged for that purpose with the clerk of the court of common pleas, but in counties where there is a register of deeds and mortgages, with the register of

When deeds are not to operate against a bona fide purchaser.

deeds and mortgages of the county in which such lands, tenements and hereditaments are situated.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXII.

An Act concerning cities.

Certain cities may borrow money and issue bonds to amount of floating indebtedness.

Bonds how issued.

Proviso.

Unlawful to incur any temporary or floating indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city within this state, having a population of not less than twenty-five thousand inhabitants, and having a floating or unbonded debt which the available funds of such city are insufficient to pay, by and through its common council or other body having control of its finances, to borrow money to the amount of such floating or unbonded indebtedness and to issue bonds therefor; said bonds to be issued in any manner provided by the charter of said city for the issuing of other bonds, to be made payable in twenty years or less from their date, to bear not more than six per centum interest, and to be sold at not less than par; *provided*, that this act shall not authorize any such city to increase its funded debt of every kind and description above the amount of one million one hundred thousand dollars.

2. *And be it enacted*, That from and after the passage of this act, it shall not be lawful to incur any further temporary or floating indebtedness, unless the payment of the same shall have been already provided for by taxation.

3. *And be it enacted*, That this act shall take effect immediately.

Passed March 12, 1880.

CHAPTER CLXXIII.

An Act relating to acts and joint resolutions in the hands of the governor, and not approved by him on the final adjournment of each session of the legislature, or presented to him after said adjournment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no bill or joint resolution passed by the legislature of this state which shall remain in the hands of the governor, not approved by him, on the final adjournment of any session of said legislature, or shall be presented to him for his approval after said adjournment, shall become a law unless he shall deliver the same with or without his approval to the secretary of state of this state within thirty days after said adjournment. All bills and joint resolutions after adjournment of legislature to be approved by the governor within thirty days.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and that this shall be a public act, and take effect immediately. Repealer.

Approved March 12, 1880.

CHAPTER CLXXIV.

An Act authorizing the inhabitants of the respective townships in the several counties of this state to purchase lands on which to keep and maintain the poor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful Legal voters of townships may authorize township committees

to purchase and hold lands for keeping and maintaining the poor.

for the inhabitants of the respective townships in any of the counties of this state in which there are not provisions for maintaining the poor by counties, to purchase and hold in the corporate name of the township any tract or tracts of land and real estate lying contiguous, not exceeding in the whole three hundred acres, and not costing more than ten thousand dollars, for the purpose of keeping and maintaining the poor of said township thereon, whenever a majority of the legal voters of any such townships, at their regular town meeting, or at any special town meeting called for that purpose, shall authorize the township committee of such township to make such purchase.

Notice of meeting be given by advertisement.

2. *And be it enacted*, That at least ten days' notice in writing shall be given, by advertisements, signed by not less than ten of the legal voters and taxpayers of said townships, posted in ten or more public places in said township, giving notice that at the next annual town meeting, and in case a special town meeting be called for that purpose, then at such special town meeting, it will be decided by the vote which shall be cast whether or not the said township committee shall purchase for said township a tract or tracts of land as aforesaid, for the purpose of keeping and maintaining the poor of said townships.

Question of purchasing lands to be determined by ballot.

3. *And be it enacted*, That at every such town meeting the question of purchasing a tract or tracts of lands as aforesaid, for the purpose aforesaid, shall be determined by ballot, in the same manner and upon the same ballot by which the officers of said township are elected; that those desiring to vote in favor of such purchase shall do so by a written or printed ballot containing the words "purchase a farm for the poor," and those desiring to vote against such purchase shall do so by a written or printed ballot containing the words "no purchase of a farm for the poor."

Township committees to purchase tract or tracts of land when majority of votes decide in favor.

4. *And be it enacted*, That if a majority of votes cast at any such town meeting shall be in favor of making such purchase, then it shall be the duty of the township committee of such township to purchase such tract or tracts of land as they shall deem most suitable and convenient for the purpose, and shall take a deed therefor in the

corporate name of such township; and that in order to pay for said land, said township committee are empowered to borrow money and to give a promissory note or notes therefor, payable at any time within three years, after nine months, with interest, to be signed by them as "committee of the township of (naming the township), and countersigned by the clerk of said township, and that said clerk shall keep a record of said note or notes in the town book, showing the date, amount, when payable, and to whom given, and that the inhabitants of said township and the property thereof shall be liable to the lawful holder of said notes for the payment thereof, and that any action brought thereon shall be brought against the inhabitants of the township (naming the township); or if deemed more expedient, said township committee may execute their bond in the same manner that they are authorized to execute said notes, and secure the same by a mortgage on the lands so purchased.

May borrow money to pay for lands, and give a note or notes,

Committee may execute bond, &c.

5. *And be it enacted*, That it shall be the duty of the said township committee each year to furnish the assessor of said township with the amount of the principal and interest of said notes or bonds which mature within the year; and that it shall be the duty of the assessor to assess, and of the collector to collect the same, with and in the same manner that other taxes for township purposes are assessed and collected, until the moneys sufficient are raised to pay and satisfy said notes, which moneys shall be applied to the payment of said notes as they become due by said committee.

Principal and interest on bonds or notes how assessed and collected.

6. *And be it enacted*, That the township committee of said township are hereby authorized and empowered to make all necessary repairs, or to enlarge the buildings on said land at the time of purchase, or to build new ones, at their discretion, suitable for the purposes intended, and to stock the same, and to find the necessary implements of husbandry to cultivate and improve said land in a reasonable and husbandlike manner, and to rent the same upon such terms as shall be most for the interest of said township and the comfort and happiness of the poor maintained thereon; but that in no case shall said committee expend, by virtue of this section,

Township committees authorized to make repairs, and to purchase and erect buildings and to stock farm, &c.

Amount to be expended and empowered to borrow amount.

more than two thousand dollars, which they are hereby authorized to borrow, and the assessor to assess and the collector to collect in the same manner as the said purchase money may be borrowed, assessed and collected; and that after the first year from the date of said deed the said committee shall expend no money on or about said lands beyond the amount from time to time appropriated for that purpose at the annual town meetings of said township.

Amount how
appropriated.

Committee
authorized to
make rules, &c.

7. *And be it enacted*, That said committee are authorized to make all necessary and proper rules and regulations for the management, control and health of the poor of said township kept and maintained on said land and premises.

Poor of township
to be kept and
maintained on
said land, &c.

8. *And be it enacted*, That all the poor of said township shall be kept and maintained on the said lands and premises; and in case any poor person or persons, claiming and entitled to relief of any township where lands have been purchased for keeping and maintaining the poor as aforesaid, shall refuse to be lodged, kept to work and maintained on such lands and premises, the names of such poor person or persons so refusing shall be erased from the book where the names of the poor are ordered to be registered by virtue of the act entitled "An act for the settlement and relief of the poor," approved March twenty-seventh, one thousand eight hundred and seventy-four, and shall not be entitled to ask or receive any relief from the overseer of any such township.

9. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXV.

Supplement to the act entitled "An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state," approved February twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act relative to the publication of the minutes and proceedings of the several municipal boards of the cities of this state," which reads as follows, to wit:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state the minutes and proceedings of the municipal boards of which were authorized by act of the legislature, to be published, and the official newspapers for such publication were to be designated by one or more of said boards, if the said board or boards, or any or either of them so having the right to designate as aforesaid, shall have designated a newspaper or newspapers as official to publish all legal notices required by the city charter, and the newspaper or newspapers so designated shall have published the official minutes or proceedings of said board or boards, although not designated as official newspapers for that especial purpose, said newspaper or newspapers having been designated as official to publish the minutes and official proceedings previously to the designation to publish said legal notices, and having published said previous minutes and official proceedings and received compensation for such publication, it shall be lawful for the proprietor or proprietors of said official newspaper or newspapers to receive and recover from the city, the board or boards of which shall have made the designation to publish all legal notices as aforesaid, compensa-

Section to be
amended recited.

tion for the publication of said official minutes and proceedings subsequent to said designation according to the rates fixed by said board or boards for such publication, or paid by them to such newspaper or newspapers as were especially designated for that purpose; *provided*, that the provisions of this act shall not apply, except in cities of this state having over fifty thousand inhabitants at the last state census," be amended so as to read as follows:

Justice of supreme court to appoint a referee to ascertain amount of compensation publisher of official newspaper is entitled to.

Amount reported to be paid by city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any newspaper appointed as an official newspaper of any city of this state shall have published the official minutes of the proceedings of the municipal boards of said city, and such publication was not duly ordered in the manner prescribed by law, then the justice of the supreme court holding the circuit court in the county where such newspaper is published, shall, upon application made to him for that purpose, appoint a referee, who shall ascertain and report to said judge what amount of compensation the publisher of said official newspaper would have been entitled to receive if the publication of said minutes had been duly ordered according to law; and the amount so reported shall thereupon be paid by the proper municipal authorities of said city.

Approved March 12, 1880.

CHAPTER CLXXVI.

A Further Supplement to the act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, respecting the dividing of wards and townships into election districts.

Boundaries of election districts may be changed altered and readjusted, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee of any township, or for the board of

aldermen or common council of any city, at any time prior to the first day of August in any year, to change, alter and readjust the boundaries of the election districts in the township, or in any ward of the several cities of this state, and to consolidate any one district in the township or ward with any other district or part of a district therein, provided that no election district shall be thereby made to contain more than six hundred voters; and when it shall at any time become necessary by reason of an election district containing more than six hundred voters, to alter or divide the same, it shall be the duty of such township committee or common council or board of aldermen to so readjust the whole number of election districts in such township or ward as to make the several districts as nearly equal in population as possible, having reference to the geographical compactness of the several districts and to the convenience of voters.

When election district contains more than six hundred voters may divide or alter the same.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXVII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of said act be amended so that the same shall read as follows :

"5. *And be it enacted*, That the annual election for trustees to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, or at such time and at such hour and place as the trustees shall direct, at which election shall be chosen such number of trustees as will sup-

Section as amended.
Annual election of trustees when held and term of office.

Who entitled
to vote.

Proviso.

ply the places of those whose term expires ; the trustees chosen at any election subsequent to the first, shall hold their places for three years and until others shall be chosen to succeed them ; the election shall be by ballot, and every person of full age, who shall be proprietor of a lot or plat in the cemetery of the association, or if there be more than one proprietor of any such lot or plat, than such one of the proprietors as the majority of joint proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat or lot ; *provided*, that no one person shall vote for more than one hundred plats or lots ; and the persons receiving the largest number of the votes given at such election, shall be trustees to succeed those whose term of office expires ; but in all the elections after the first, the trustees shall be chosen from among the proprietors of lots or plats ; and the trustees shall have power to fill any vacancy in their number, occurring during the period for which they hold their office ; public notice of the annual elections shall be given in such manner as the by-laws of the corporation shall prescribe.

Approved March 12, 1880.

CHAPTER CLXXVIII.

A Further Supplement to the act entitled "An act respecting mortgages," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Clerks and regis-
ters to record
chattel mort-
gages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerks and registers of the several counties of this state be and they are hereby authorized to record in suitable books, to be provided for that purpose, every chattel mortgage hereafter filed in pursuance of the provisions of the act to which this is a supplement, and of the several supplements thereto, and having thereon such certificate of the acknowledgment or

proof of the execution thereof as is or may be required by law for the recording of deeds; which certificate shall be therewith recorded.

2. *And be it enacted*, That no chattel mortgage or conveyance intended to operate as a mortgage of goods and chattels which has been made and not already acknowledged or proved according to law, or which shall hereafter be made, shall be recorded unless the execution thereof shall be first acknowledged or proved, and such acknowledgment or proof certified thereon in the manner prescribed by the act entitled "An act respecting conveyances."

No chattel mortgage to be recorded unless acknowledged or proved.

3. *And be it enacted*, That the said clerk or register shall enter at the foot of the record of each mortgage the time when such mortgage was received by him or in his office to be recorded, and shall certify on each mortgage when recorded as aforesaid, the time when it was delivered to him or at his office to be recorded, and the book and page in which it is recorded, and shall, when recorded, deliver the same to the party entitled to it, or to his order.

Duties of clerks or registers.

4. *And be it enacted*, That such chattel mortgages shall be properly indexed, and the records and certified copies thereof shall be evidence in the same manner and in like cases as the record of deeds; and the said clerks and registers shall be entitled to the same fees for recording such chattel mortgages and for copying such records as for recording and copying deeds.

Mortgages to be indexed and copies shall be evidence.

Fees, &c.

5. *And be it enacted*, That every chattel mortgage hereafter made, executed and recorded pursuant to the provisions of this act, shall be valid against the mortgagor and his creditors, and against subsequent purchasers and mortgages, until the same be cancelled of record in the manner now provided by law for cancelling of mortgages of real estate.

Chattel mortgages recorded, valid against subsequent purchase, &c.

6. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and this act shall be a public act, and take effect immediately.

Repealer.

Approved March 12, 1880.

CHAPTER CLXXIX.

A Supplement to "An act to authorize certain townships, towns, and cities, to issue bonds and to take the bonds of the Montclair Railway Company" approved April ninth, one thousand eight hundred and sixty-eight.

If any township is unable to pay bonds or interest when due, when validity of same has been determined, the township committee authorized to compromise and settle with holders of bonds and coupons.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any township in this state organized under a general or special act has been unable to pay at maturity any bonds lawfully issued by said township, or any of the coupons for interest thereto annexed, or any bonds or interest coupons lawfully issued by any township whose territory has been annexed in whole or part to such township, and for the payment of which bonds and coupons such township is lawfully bound, or whenever any township has contested the validity of any bonds or interest coupons thereto annexed purporting to have been lawfully issued by any officers or commissioners of such township, or by the officers or commissioners of any township whose territory has been annexed in whole or in part to such contesting township, and for the payment of which bonds and coupons, if valid, such contesting township is bound, in any suit brought against such contesting township to enforce the payment of said contested bonds and coupons, or any of them, in the supreme court or in any circuit court of this state, or in the circuit court of the United States for the district of New Jersey, and the validity of the bonds and coupons so contested has been determined by the judgment of either of said courts in such suit, it shall be lawful for the township committee of such township to compromise and settle with the holders of any bonds and coupons of such issue, or any of them, whether due or to become due, or of any judgment thereon, upon the best terms said committee can obtain, and in lieu of and exchange

for any bonds or coupons of such former issue, whether due or to become due, or in satisfaction of any judgment recovered against such township in any suit upon any bonds or coupons of such former issue, to issue new bonds with the common seal of the township thereto affixed and signed by the chairman of the township committee, and countersigned by the treasurer of said committee, of such date, and for such amounts, and payable at such times as shall seem expedient to them, in the corporate name and pledging the faith and revenues of such township for the payment thereof, with coupons for the interest thereon annexed thereto, which bonds shall be numbered by the treasurer of the township committee, and registered by him in a book to be kept for that purpose; *provided*, that the new bonds so issued shall not be made payable at an earlier date, or bear any greater rate of interest than the bonds of the former issue for which they shall be exchanged; or, if the said committee can obtain better terms of settlement with the holders of the bonds or coupons of such former issue, whether due or to become due, or of any judgment thereon, by paying the same in cash, then it shall be lawful for the said township committee to issue the necessary amount of said new bonds, with interest coupons, which shall be numbered and registered as aforesaid, and to sell the same, but at not less than par, and the proceeds of the sale of such new bonds shall be appropriated to the payment of the bonds and coupons of the former issue; *provided, however*, that the new bonds so issued and sold shall not be made payable at an earlier date than the bonds of the former issue, to provide for the payment of which, or any judgment thereon, they are hereby authorized to be made; and the said township committee are hereby authorized and required to cause such sum or sums of money to be annually assessed, levied and collected upon the taxable property of said township, as shall be sufficient to pay such portions of the principal and interest of said bonds as shall become due and payable in each of said years, which assessment levy and collection shall be made at the same time and in the same manner as the ordinary taxes are assessed, levied and collected, and the same when collected shall be ap-

plied to the payment of the principal and interest of said bonds; and the said township committee are also hereby authorized to cause such sum or sums of money as they deem expedient, to be annually assessed, levied and collected in the same manner as aforesaid, to constitute a sinking fund for the payment and redemption of said bonds.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXX.

A Supplement to the act entitled "An act to provide for local improvements by seaside associations," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Board of trustees,
directors, &c., em-
powered to make
and complete im-
provements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it appears necessary, in the opinion of the board of trustees, directors, commissioners, or other corporate authorities of any incorporated seaside association, to construct or provide necessary works to supply the inhabitants and premises with artificial light; to keep in repair and improve the streets or avenues already laid out and opened; to remove garbage; and to appoint such peace officers as may be deemed necessary for the purpose of keeping order within the limits and bounds of such seaside associations; it shall be lawful, and said board of trustees, directors, commissioners, or other corporate authorities are hereby empowered to undertake and complete such improvements.

Trustees, &c., to
appoint one of
their number to
keep accounts,
&c.

2. *And be it enacted*, That such board of trustees, directors, commissioners, or other corporate authorities shall appoint from among their number a suitable and competent person, who shall keep full and complete

accounts in proper books, of all moneys expended in the prosecution of such improvements; which books at all times shall be open to the inspection of the owner or owners of lands and real estate lying within the corporate limits of such seaside associations.

3. *And be it enacted*, That the costs and expenses of such street and other improvements shall be assessed by such board of trustees, directors, commissioners, or corporate authorities of such association, or by a committee thereof duly authorized by them, upon the owner or owners of the lands and real estate benefitted thereby, in proportion as nearly as may be to the benefit each shall receive; *provided, however*, that in no case shall the costs and expenses of said improvement exceed the sum of five dollars per annum on any one lot, as designated and numbered on a map of the property of such association, duly filed with the clerk of any county, as now provided by law.

Costs and expenses of improvements to be assessed upon owner of lands.

Proviso.

4. *And be it enacted*, That when said improvement or improvements are completed, said board or committee, or other corporate authority shall cause a certificate thereof, signed by a majority of said board of trustees, directors, commissioners or other corporate authority, to be filed with their treasurer and kept by him within the corporate limits of such association, open at all times for inspection, which certificate shall show the amount assessed upon each lot, and, as far as possible, the names of the owner or owners of the same, and said treasurer shall be and is hereby authorized to receive and give receipts for all moneys collected by virtue of the provisions of this act.

Certificate of improvements to be made and filed.

5. *And be it enacted*, That all assessments made under the provisions of this act, with all interest to accrue thereon, shall be and remain liens on the lots or lands assessed, and shall be collected in the same manner as is already provided for in the act to which this is a supplement.

Assessments a lien on lots or lands assessed.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXXI.

An Act to provide for a reduction in the rate of interest on school district bonds.

- Trustees of school districts empowered to issue bonds.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which the corporate bonds of any school district of this state, heretofore lawfully issued, remain unpaid, and bearing by the condition of said bonds interest at the rate of seven per centum per annum, it shall be lawful for the trustees of such school district to make and issue the corporate bonds of such school district, by whatever corporate name it may be designated, bearing interest at a rate not exceeding six per centum per annum, and to an amount not exceeding the amount of the bonds lawfully issued and outstanding in the hands of *bona fide* holders at the time of such new issue; and the proceeds of the sale of such new issue of bonds shall be used in paying off and redeeming bonds of the former issue, and for no other purpose; and such new bonds shall not be sold at less than their par value, nor shall anything in this act be construed to authorize the increase of the indebtedness of any school district, or to authorize the rescinding of existing contracts, but where school district bonds are due and payable, or the holders of the same are willing to surrender them before they are due, the provisions of this act may be availed of to secure a lower rate of interest.
- Proceeds of sale of bonds how used, and bonds not to be sold less than par.
- Principal and interest of bonds how assessed and collected.
2. *And be it enacted*, That for the purpose of providing for the payment of the interest and the principal of said bonds as they shall severally become due, the district clerk of such district shall notify the assessor or assessors having jurisdiction therein, annually before the first day of July in each and every year, of the amount of money that will be required to pay the interest and principal of such bonds as they shall severally become due, and it

shall be the duty of such assessors to assess the same upon the taxable property in said district, in the same manner as other taxes are assessed; and it shall be the duty of the collector to collect the said taxes in the same manner as other taxes are collected, and pay out the same on the orders of a majority of the trustees of such district, one of whom shall be the district clerk.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXXII.

A Supplement to an act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," which act was approved April twenty-first, in the year one thousand eight hundred and seventy-six, and which section reads as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town or village in this state, having a population of not more than fifteen thousand, and not less than two thousand inhabitants, and for the purpose of supplying such city, town or village and the inhabitants thereof with water," be and the same is hereby amended to read as follows :

Section to be amended recited.

Section as amended.
Company may be formed for constructing, maintaining and operating water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town, village or sea-side resort in this state, having a population of not more than fifteen thousand and not less than five hundred inhabitants, and for the purpose of supplying such city, town, village or sea-side resort and the inhabitants thereof with water.

Approved March 12, 1880.

CHAPTER CLXXXIII.

A Supplement to an act entitled "An act to prevent fraudulent trusts and assignments," approved March seventh, one thousand eight hundred and fifty.

Provisions of act to apply to income of property, money, &c., held in trust for debtor, &c.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act to which this is a supplement, and of all supplements thereto, shall apply to the income of all property, or money, or things in action held in trust for the debtor, where the trust has been created by, or the fund held in trust has proceeded from, some other person than the debtor himself; *provided*, the income of such trust property shall exceed four thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXXIV.

An Act to repeal an act entitled "An act to amend an act entitled 'An act to prescribe the notice to be given of application to the legislature for laws, when notice is required by the constitution,' approved January twenty-sixth, one thousand eight hundred and seventy-six," approved March third, one thousand eight hundred and eighty.

1. BE IT ENACTED *by the Senate and General Assembly* Repealer. *of the State of New Jersey*, That the act entitled "An act to amend an act entitled 'An act to prescribe the notice to be given of application to the legislature for laws, when notice is required by the constitution,' approved January twenty-sixth, one thousand eight hundred and seventy-six," which amendatory act was approved March third, one thousand eight hundred and eighty, be and the same is hereby repealed.

2. *And be it enacted*, That this shall be a public act and take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXXV.

An Act respecting the board of chosen freeholders of the several counties in this state, and to regulate and limit the powers and duties of the director at large of any such board.

- Directors at large not entitled to vote. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the director at large of the board of chosen freeholders of any county of this state shall not be entitled to a vote in the appointment of any person to any office or position, or employment whatsoever, under said board; *and it is further, provided* that the director at large of any such board shall not have the right to veto or disapprove any appointment made or employment ordered by said board or veto or disapprove of any resolution fixing the salary or compensation of any employee of said board.
- Proviso.
- Director at large may approve or disapprove of resolutions within a certain time. 2. *And be it enacted*, That the director at large of any such board may approve or disapprove of any resolution of said board except a resolution appointing any person to any office or position, or employment under said board a resolution fixing the salary or compensation of any person appointed to any office or position or employment under said board within ten days after the passage of the same; and in case he disapproves of said resolution, he shall file with the clerk of the board, within said ten days, the cause or grounds of his disapproval in writing, and the clerk shall submit the same at the next meeting of the board, held for the transaction of business, after the expiration of said ten days, and the board shall thereupon direct the objections of the director at large to be entered at length in the minutes, and shall then proceed to consider the same; and if the board shall not, by a two-thirds vote of all the members thereof, disapprove of said objections, then the said objections shall be of full force and effect; *and it is further provided*, that if the director at large fails, or neglects or refuses to approve or disapprove of any resolution as aforesaid, within ten days limited above, then the same shall take effect and be of the same force as if it had been signed or approved by him.
- Proviso.
- Power and duties of director at large. 3. *And be it enacted*, That the director at large shall appoint all committees provided for by the board by a resolution of said board or otherwise, but he shall not have the power to remove any member from a committee, or change or alter the committees, except for cause, which shall be submitted to the board in writing, and entered in full in the minutes; *and provided further*, that
- Proviso.

no member of the board shall be removed from a committee, or the committee changed or altered except by the concurrence of a majority of all the members of the board; *and it is further provided*, that the director at large shall not have the right to vote in case of a tie vote on appointments to office under said board, or in the employment of any person by said board. Proviso.

4. *And be it enacted*, That all acts or parts of acts, inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately. Repealer.

Passed March 12, 1880.

CHAPTER CLXXXVI.

An Act granting to cities an unobstructed outlet to the culverts in their streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage and approval of this act, every incorporated city in this state having streets containing culverts or other drains to tidewater, shall, upon public dedication, after the usual form of condemnation and assessment of private property, have full and unobstructed outlet for the culverts in such streets to any contiguous streams, without amenability to the claims to said water front of the riparian commission or any laws or usages thereof. Cities to have unobstructed outlet for culverts to streams.

2. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 12, 1880.

CHAPTER CLXXXVII.

An Act to render more effective the ordinances of county boards of health and vital statistics in the several counties of this state, and to define their powers and duties.

- County boards of health only board legally authorized to make ordinances in relation to public health.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county of this state in which there is by law established a board of health and vital statistics, such board shall be the only board or legally constituted body in said county, or in any municipality or town in said county, having power to make ordinances in relation to the public health or the registration of vital statistics, any charter, law or ordinance to the contrary in anywise notwithstanding.
- County board may appoint health inspector.
2. *And be it enacted*, That said county board may appoint a health inspector for said county, who shall be a regularly graduated physician or chemist of some reputable school, university or college, who shall receive and be paid by the board of chosen freeholders of such county an annual salary of not over fifteen hundred dollars a year and, who shall be subject to said board in the carrying out of their ordinances and the laws of this state in relation to the public health and the registration of vital statistics and in a general supervision of the health and sanitary condition of said county, and whose office hours shall be from nine a. m. to five p. m. daily, legal holidays excepted, at the office of said board, or going to and fro in said county in the performance of his duties.
- Annual salary.
- Office hours.
- Board of chosen freeholders to appoint a counsel for county board of health.
3. *And be it enacted*, That the board of chosen freeholders of such county shall appoint to said board a counsel who shall be a counselor-at-law of this state, and who shall receive an annual salary of one thousand dollars, to be paid by said chosen freeholders,
- Annual salary of counsel and his duties.

and who shall hold office for the term of two years from the date of his appointment and until his successor is appointed, and whose duties shall be to bring and defend all suits to which said board of health is a party, and to be the legal adviser of said board of health whenever called upon by said board of health; *provided*, that the term of the counsel of any board of health affected by this act who shall be acting as such at the time of the passage of this act shall continue for two years from the date of such passage.

4. *And be it enacted*, That said board of health and vital statistics may and shall have power, at any special, regular or adjourned meeting of such board, to pass, alter, amend or repeal ordinances in relation to the public health and the keeping of a registry of vital statistics in said county, and in so doing:

I. To provide against the adulteration of all kinds of foods and drinks, or any kind of meat or vegetable not fit for human food, sold, for sale or exposed for sale, or brought into said county for sale;

II. To declare what shall be nuisances, in lots, streets, docks, wharves, vessels, piers, and all public or private places in said county or any part thereof;

III. To prevent the spread of dangerous, epidemic, or contagious diseases in said county or any part thereof, and to declare when the same has become epidemic;

IV. To regulate, control or prohibit the keeping of all kinds of animals, birds and beasts, and the slaughter of the same, in said county or any part thereof;

V. To regulate, control, or prohibit the carrying on of all trades, manufactures or business in said county, which be noxious or offensive to the inhabitants of such county or any part thereof, and which is attended by noisome and injurious odors, and otherwise injurious to their estates;

VI. To regulate, license and control all night scavengers in said county, and to charge a license fee from the same, not to exceed fifteen dollars annually, and to regulate and control the removal of all night soil in said county, and the cleaning of all privies, vaults, sinks and cesspools in said county or any part thereof;

- To regulate, &c.,
the accumulating
of manure, &c.
- VII. To regulate, control, and prohibit the accumulating of manure, compost, and all decaying or vegetable substances, in any place in said county, public or private;
- To prohibit and
remove nuisances
in highways,
streets, &c.
- VIII. To prohibit and remove any nuisance or offensive matter in any public highway, road, street, avenue, alleyway, or other place, public or private, in said county, and to cause the removal of the same at the expense of the owner;
- To provide proper
registration
of physicians,
nurses, &c.
- IX. To provide for the proper registration of all physicians, nurses and midwives in said county;
- To compel proper
returns of
births, deaths
and marriages.
- X. To compel the proper return of all births, deaths and marriages in said county, by physicians, midwives, nurses, clergymen, magistrates, and all others professionally officiating at such death, birth or marriage, under the penalty for failure so to do as provided in the acts regulating the return of vital statistics in this state.
- To regulate keeping
of a registry.
- XI. To regulate the keeping of a registry of the vital statistics of said county in accordance with the state law as to the same;
- All other purposes
connected
with public
health.
- XII. For all other such purposes as are connected with the public health or the registration of vital statistics, and the practice of physicians, midwives and nurses in said county, with relation to such object;
- To secure sanitary
condition of
houses, &c.
- XIII. To secure the sanitary condition of tenement houses, prisons, and all public buildings in said county;
- To regulate, &c.,
cleaning of
sewers, &c.
- XIV. To regulate, control or prohibit the cleaning of sewers and the dumping of garbage, and the filling of sunken lots or marsh lands in any part of said county;
- To provide for
filling of sunken
lots.
- XV. To provide for the filling in of sunken lots which have become the repositories of stagnant water in the built up portions of such county.
- Board may
adopt and ordain
ordinance in the
form of code.
5. *And be it enacted*, That in the making of ordinances, said board may adopt and ordain the same in the form of a code to be called "the code of health ordinances of the board of health and vital statistics of the county of _____," or each ordinance separate and apart by itself, and in all cases shall cause said code, ordinance or ordinances, to be published for at least four weeks, once in each week, in the official newspaper of said county, the same to be paid for by the chosen freeholders of such county; and if in the form of a code, said board may add to, take from, alter, amend or repeal any section of said
- Ordinances to
be published.

code as they may see fit, by publishing such alteration, amendment or repealer as aforesaid.

6. *And be it enacted*, That said board of health may prescribe a penalty for the violation of any of their ordinances or sections of any code they may make and ordain, as aforesaid, not to exceed one hundred dollars, and not less than ten dollars; and every district court in any city in such county, and every justice of the peace in such county, and every police justice or recorder in any city in such counties, is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have violated any of the ordinances of any such board as aforesaid, to issue process at the suit of any such board, as aforesaid, either in the nature of a summons or warrant, against the person or persons so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, shall be returnable in not less than one nor more than ten entire days; such process shall state what ordinance of any such board is alleged to have been violated by the defendant or defendants, and on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear testimony and to determine and give judgment in the matter, without the filing of any pleadings, and a copy of the ordinance alleged to have been violated, certified to under the hand and seal of the clerk or president of such board, shall be taken as full and legal proof of the existence of such ordinance, and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make the same in all respects a legal and binding ordinance, have been complied with, unless the contrary be shown; and the said court, justice of the peace, police justice or recorder shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels and person of the defendant or defendants; and said court, justice of the peace, police justice or recorder is further empowered to cause any such defendant who may refuse or neglect to pay the amount of the judgment rendered against him or her, and all costs and charges incident thereto, unless an appeal is granted, to be com-

Board of health may prescribe penalty for violation of ordinances or sections of code.

District courts and justices of the peace, &c., may issue process on oath, &c., and to hear and give judgment, &c.

On failure to pay judgment defendant may be committed to county jail.

- mitted to the county jail for any period not exceeding ninety days, and said court, justice of the peace, police justice or recorder is further empowered, in case any defendant shall have been twice convicted, within the space of six months, of a violation of the same ordinance, and due proof of the same made, in addition to the payment of the appropriate penalty, to cause said defendant to be imprisoned in the county jail of the county, or the county workhouse, with or without hard labor, for any number of days not exceeding one for each dollar of the penalty; the officers to serve and execute all process under this act shall be the officers authorized by law to serve and execute process in said courts and before such magistrates and officers as aforesaid, including the constables of such counties, and all police officers of said cities; members of said boards, all police officers, constables and health inspectors shall have the right to arrest, without warrant, any person in their presence violating any of the ordinances of such boards, and to take the same forthwith before any police justice, justice of the peace or recorder in said city or county, who shall proceed to hear testimony and give judgment for or against such person so arrested, without any pleadings being filed; *provided*, such person be shown and have read to him the ordinance for the alleged violation of which he has been so summarily arrested.
- Who authorized to serve and execute processes under this act.
- Members of board police officers, &c., may arrest without warrant.
- Proviso.
- Power and duties to remain as heretofore.
- Unlawful for any sexton, undertaker, &c., to act as deputy registrar or to issue permits.
7. *And be it enacted*, That any board of health and vital statistics now in being in any county of this state, under any law of this state, the powers and duties of the same shall remain as heretofore, except so far as the same are increased or diminished by this act.
8. *And be it enacted*, That it shall not be lawful for any sexton, undertaker, or other person engaged in the profession or business of an undertaker to act as deputy registrar of vital statistics, or to issue permits for the burial of the dead, either to themselves or to any other person in this state.
9. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXXVIII.

A Further Supplement to an act entitled "An act relating to the assessment and revision of taxes in cities of this state," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the above recited act, which reads as follows:

"2. *And be it enacted*, That the compensation of each of the members of said board shall be two thousand dollars per annum, to be paid in such manner as provided by ordinances in such cities," be amended to read as follows:

2. *And be it enacted*, That the compensation of each of the members of said board, in all cities having a population of sixty thousand inhabitants and over, shall be two thousand dollars per annum, and in all other cities the amount now fixed by the respective charters or ordinances of said cities.

2. *And be it enacted*, That this act shall be a public act, and take effect immediately.

Approved March 12, 1880.

CHAPTER CLXXXIX.

A Supplement to an act entitled "A further act concerning taxes, making the same a first lien on real estate and to authorize sales for the same," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of the act to

which this is a supplement be and the same is hereby amended so as to read as follows :

Section amended.	6. <i>And be it enacted</i> , That the said collector shall return
Collector to re- turn warrant with all proceed- ings, &c.	said warrant to said committee within the time required therein, together with all of his proceedings thereunder in writing, and he shall annex thereto copies of the notices required by this act to be by him given, published mailed and posted, with proof of such publication, posting and mailing and an oath or affirmation by said collector that the said return is true, full and complete in all respects.
Fees of collector.	2. <i>And be it enacted</i> , That the said collector shall be entitled to receive for his services under said warrant the following fees and no more for each name on said warrant, to wit: for executing the warrant, twenty-five cents; for selling, twenty-five cents; for every adjournment, ten cents; for making and executing each certificate of sale, fifty cents, beside actual necessary disbursements for printing, postage, affidavits and acknowledgments.
Fee of committee for issuing war- rants, &c.	3. <i>And be it enacted</i> , That the township committee issuing such warrant shall receive therefor five cents for each name on said warrant, the same to be divided equally among the members in attendance when the warrant is issued.
Fee of township clerk.	4. <i>And be it enacted</i> , That the township clerk shall receive for attesting and recording said warrant and return ten cents for each name thereon.
Fees, costs, &c., to be charged and paid by pur- chasers.	5. <i>And be it enacted</i> , That all the fees, costs, charges and expenses in this act and the act to which this is a supplement, together with the fees for assessing and collecting and justices' warrants, shall be charged to and paid by the purchasers; <i>provided, however</i> , that when the inhabitants of the township are the purchasers of any lands, tenements, hereditaments or real estate, sold under any warrant so issued, the said collector shall charge to and receive from the township one-half of said collector's fees prescribed in section two of this act.
Proviso.	
Township com- mittee may pur- chase lands, &c.	6. <i>And be it enacted</i> , That at any sale of lands, tenements, hereditaments or real estate made by virtue of this act and the act to which this is a supplement, if there be no purchasers therefor, then it shall and may be

lawful for the township committee of said township to cause said lands, tenements or real estate to be purchased for the benefit of the inhabitants of the township, and that the inhabitants of said township so purchasing shall have lawful right and authority to use, occupy and enjoy said lands, tenements or real estate, and through their township committee to take such proceedings as may be necessary to obtain possession thereof, and to sell and transfer the same, or any part thereof, to any person paying the purchase price therefor, together with the subsequent taxes and lawful interest.

7. *And be it enacted*, That all purchases of lands tenements, hereditaments or real estate heretofore made by the inhabitants of any township under the act to which this is a supplement, be and the same are hereby ratified and confirmed.

All purchases of real estate, &c., ratified and confirmed.

8. *And be it enacted*, That it shall not be necessary to advertise for sale, or to issue warrant, or to sell any lands, tenements, hereditaments or real estate purchased by "The inhabitants of the township" for non-payment of any taxes laid, assessed or imposed subsequent to the taxes for which said lands, tenements, hereditaments or real estate were so sold and purchased by the inhabitants of the township, but that such subsequent taxes shall be and remain a first lien on said lands, tenements, hereditaments or real estate, added to the original purchase money, and shall be paid to such township before such lands, tenements, hereditaments or real estate can be redeemed.

Not necessary to advertise for sale or issue warrant or to sell lands, &c., purchased by township for taxes.

Taxes to remain a lien, &c.

9. *And be it enacted*, That all the plots, pieces or parcels of land, tenements, hereditaments or real estate so purchased by the inhabitants of the township at a sale under any one warrant shall be included in one certificate of sale, which certificate shall conform in all other respects to the certificate described in section five of the act to which this act is a supplement; *provided, however*, that it shall not be necessary, in case said lands, tenements, hereditaments or real estate so purchased shall not be redeemed, for the township committee of said township to execute a deed to the inhabitants of the township, but that the said inhabitants of the township shall hold and enjoy said lands, tenements, heredita-

All plots, pieces or parcels of land purchased by township to be included in one certificate.

Proviso.

ments or real estate to the end of the term named therein, under said original certificate, with the like privileges and effect in all things as though a deed therefor had been given.

Collector may
adjourn sale.

10. *And be it enacted*, That the collector shall have power to adjourn any sale for more than sixty days, upon the written request of the township committee; *provided*, there be no purchasers present.

Proviso.

Collector to con-
tinue proceedings
if his term of
office expires.

11. *And be it enacted*, That in case the collector's term of office shall expire before he shall have completed his proceedings under any warrant, he shall continue such proceedings thereunder to the end, in which case his bondsmen shall be liable for any illegal act of their principal in the same manner and to the same extent as though said collector's term of office had not expired.

Bondsmen held
liable.

No lands, &c., to
be sold for a
longer term than
30 years.

12. *And be it enacted*, That no lands, tenements, hereditaments or real estate shall be sold by virtue of this act and the act to which this is a supplement for a longer period or term than thirty years.

Fees of collector.

13. *And be it enacted*, That the collector's of the several townships in this state shall be entitled to receive for the services performed by them under and by virtue of the sixteenth section of the act to which this is a supplement the sum of twenty cents besides the fees paid by them for the acknowledgement therein required, and the clerks or registers of the several counties of this State shall be entitled to receive for the services performed by them under said sixteenth section the sum of twenty cents.

Fees of county
clerks or regis-
ters.

Repealer.

14. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

15. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXI.

A Further Supplement to an act entitled "An act relative to oaths and affidavits," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement be and the same is hereby amended so as to read as follows :

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all oaths, affirmations and affidavits required to be made or taken by any statute of this state, or necessary or proper to be made, taken or used in any court of this state, or for any lawful purpose whatever, may be made and taken by and before any one of the following officers of this state, viz; the chancellor, or any judge of a court of record, or any master in chancery, or any justice of the peace, or any mayor, recorder, or alderman of any city or borough, or any supreme court commissioner, or the city clerk of any city, or the clerk or surrogate of any county, or the clerk of any court of record, or any notary public; *provided*, that nothing herein contained shall apply to the official oath or affirmation required to be made or taken by any of the officers of this state, nor to any oath, affirmation or affidavit required to be made and taken in open court, nor to cases where it shall be necessary for the party making or procuring such oath, affirmation or affidavit, to give notice to any person interested, or the taking of such oath, affidavit or affirmation."

Section amended.
Who authorized
to take oaths, af-
firmations and
affidavits.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXCI.

A Further Supplement to the act entitled "An act to regulate the practice of courts of law" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

On failure of any party who neglect, refuse, &c., to answer interrogatories the court may make order debarring him from prosecuting his suit.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any party to an action at law shall willfully fail, neglect or refuse to answer any written interrogatories served upon him or his attorney by the opposite party under the provisions of the one hundred and fifty-fifth section of the act to which this is a supplement, it shall be lawful for the court or any judge thereof, in addition to the remedies provided by said section, to make order debarring said party, if a plaintiff, from further prosecuting his suit, and if a defendant, from making further defence thereto.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXCII.

Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in its relation to the growth and development of state industries."

Amount appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of three thousand

dollars be, and is hereby appropriated for the current expenses of said bureau.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money, not otherwise appropriated, the sum provided for in the first section of this act. Treasurer authorized to pay money.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXCIIL.

An Act to provide additional compensation to Noah D. Taylor.

WHEREAS in the act to defray the incidental expenses of the state of New Jersey, the provision for payment of the expenses incurred by Noah D. Taylor in maintaining his right to his seat in the house of assembly is inadequate and insufficient. Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey, to pay upon the warrant of the comptroller, to Noah D. Taylor the further sum of two hundred dollars. Treasurer authorized to pay amount.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXCV.

An Act relative to the duties of township committees.

Poor farm to be
under control and
management of
township com-
mittee.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the poor farm of each township in this state shall be and remain under the control and management of the township committee of such township.

Repealer.

2. *And be it enacted*, That this act shall be deemed a public act and shall take effect immediately, and that all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved March 12, 1880.

CHAPTER CXCV.

An Act concerning the proof of the descent and succession to real estate in cases of intestacy.

Proof of descent
and succession to
real estate in
cases of intestacy
by whom and
how made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the case of the death of any person intestate seized in fee or otherwise of real estate, within the state, it shall be lawful for the heir or heirs at law of such person or any of them or any person interested in such estate to make an affidavit or petition setting forth the fact of such death, the last place of residence of said intestate, the number of heirs, their names, ages and respective places of residence and relationship to the deceased, and as nearly as possible describing such real estate and the respective interest of such heirs or parties interested.

2. *And be it enacted*, That such application when so made shall be presented to the orphans' court of the county in which such real estate is situated or to the orphans' court of any one of such counties, where said real estate may be situated in one or more counties, and the said orphans' court shall thereupon examine any witnesses under oath or take such other proof as is usual and admissible in other legal proceedings, and in like manner and with like powers and jurisdiction, as to the truth of the matters in such application set forth, and upon being duly satisfied as to the truth of all such matters shall indorse upon such application the certificate of said court, or of its then presiding officer, and thereupon the said petition or affidavit and all proofs and proceedings so taken shall be recorded in the county clerk's office of the county or counties in which said lands are situated, or in the office of any register of deeds for such county, in the same books and in like manner as deeds are now recorded; and from the date of such record, such record or roll shall be regarded and taken in all courts and legal proceedings in the state in respect to the descent and succession of said real estate as presumptive evidence of the matters and facts therein contained and by this act required to be stated.

Application to be presented to the orphans' court.

Orphans' court to examine witnesses, &c.

Petition, affidavits, &c., to be recorded in county clerk's or register's office.

3. *And be it enacted*, That the orphans' courts shall from time to time make such rules and regulations in pursuance and furtherance of this act as may be deemed necessary or expedient.

Orphans' court to make rules and regulations, &c.

4. *And be it enacted*, That this act shall take effect immediately and be deemed a public act.

Approved March 12, 1880.

CHAPTER CXCVI.

An Act relative to the election of constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all constables shall be here-

Term of office of constables.

Proviso. after elected for the term of three years; *provided, however,* that at the first election held after the passage of this act when it shall be necessary to elect three constables the ticket voted shall designate the name of one constable for one year, the name of another for two years, the name of the third for three years, and at each succeeding election one constable shall be elected for the term of three years.

Vacancies, how filled. 2. *And be it enacted,* That all vacancies in the office of constable shall be filled for the unexpired term only.

Constable to renew bonds annually, &c. 3. *And be it enacted,* That constables shall be required to renew their bonds annually, and if they shall neglect or refuse so to do within thirty days after the expiration of each yearly term, the position shall become vacant, and such vacancy shall be filled as provided by law.

4. *And be it enacted,* That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXCVII.

A Further Supplement to an act entitled "An act to authorize the sale of lands limited over to infants, or in contingency, in cases where such sale would be beneficial," approved March twentieth, one thousand eight hundred and fifty-seven.

Chancellor may order lands to be sold free and clear of all incumbrances and order incumbrances paid out of proceeds of sale. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That in any sale heretofore made or hereafter to be made under the provisions of the act to which this is a supplement, it shall be lawful for the chancellor to inquire into and ascertain the nature and amount of the incumbrances on the estate applied to be sold, and to ascertain the amounts of the taxes, assessments and water rents chargeable against the lands applied to be sold, and to order the lands to be sold free and clear of all incumbrances, and to order the incumbrance to be paid out of the funds realized by the sale; and if it shall appear to the satisfaction of the chancellor that the income from the property has not been sufficient

to pay the taxes, assessments or water rents, and that the person owning a vested estate in said lands, whether a life tenant or otherwise, has borrowed money to pay the taxes, water rents or assessments chargeable against said premises, and said debt remains unpaid at the time of the sale, it shall be lawful for the chancellor to order said debt so created to discharge taxes, water rents or assessments to be paid out of the proceeds of the sale, if it shall appear to the chancellor that it is just and equitable that the same shall be paid ; *provided*, that no incumbrances except for taxes, water rents or assessments shall be affected, or his lien cut off by such sale, unless he is made a party to the petition and served with notice of the same, in accordance with the second section of the act to which this is a supplement.

Proviso.

2. *And be it enacted*, That if it shall appear to the satisfaction of the chancellor that the person holding a life estate, or a vested estate of any nature created by any deed or last will and testament, is the widow of the person creating the same, and if it shall appear that the creation of such estate was for her maintenance and support, and if such estate is vacant lands which have become unproductive, or the buildings old and dilapidated, so that they cease to be of any rental value, or if the buildings should be destroyed by fire, and the property, productive at the time of the making of said will or deed, should become partially or wholly unproductive, such life tenant or the person holding the vested estate shall not be liable for the payment of taxes, water rents and assessments unless the income from the property was adequate to the support of the widow and the payment of the taxes, water rents and assessments, but such taxes, water rents and assessments shall be liens upon the lands so ordered to be sold, and paid out of the fund arising from the sale of the same.

Life tenant or person holding a vested estate not to be held liable for payment of taxes, &c.

3. *And be it enacted*, That if the lands shall consist of different tracts and parcels, and the whole become chargeable with taxes, water rents and assessments, and that by a sale of a part of the premises all the taxes, water rents and assessments could be discharged on all the lands charged with such future and contingent estate, it shall be lawful for the chancellor to order the taxes, water

Taxes, &c., to remain a lien, and to be paid out of proceeds of sale.

rents and assessments on the whole estate to be paid out of the proceeds of the sale of that portion of the lands ordered to be sold, and to free all the balance of the lands from taxes, water rents and assessments.

Chancellor may order lands sold free and clear of any disputed taxes, water rents, &c., and order sufficient sum to be deposited with the clerk of the court.

4. *And be it enacted*, That if any tax, water rent, water charge or assessment is disputed, it shall be lawful for the chancellor to order said lands sold free and clear of such disputed tax, water rent, water charge or assessment, and to order that a sufficient sum to discharge said tax, water rent, water charge or assessment, with the interest to accrue thereon, to be deposited with the clerk of the court to abide the result of the settlement of such disputed tax, water rent, water charge and assessment, and when said tax, water rent, water charge or assessment shall have been declared a legal lien on said lands so ordered to be sold, the chancellor shall order the payment of such tax, water rent, water charge or assessment; and in case said tax, water rent, water charge or assessment shall be set aside or declared not to have been a legal lien on the lands so sold, that then said money so set apart to answer such payment shall be invested by the order of the chancellor, under the provisions of the act to which this is a supplement; *provided*, that in setting aside any tax, water rent, water charge or assessment if a new assessment is ordered, then said fund shall be held and applied to the payment of the new assessment; *and provided, further*, that in ordering such sale and deposit, the chancellor may order that the interest shall cease on the tax, water rent, water charge and assessment, from the date of sale, and that the interest, after the sale, shall be the amount allowed on the deposit made with the clerk of the court.

Proviso.

Proviso.

Chancellor may order buildings to be sold separate.

5. *And be it enacted*, That if the estate is so situated that the land is composed of city lots and covered by large, old and dilapidated buildings that require to be removed before the land can be sold to advantage, it shall be lawful for the chancellor to order the buildings to be sold separate from the land, to be removed therefrom, and if, at such sale, no bidders can be found who will bid for and agree to remove said old buildings and material, it shall be the duty of the master to report the facts to the chancellor, who may order the master to have the

buildings torn down and the materials prepared for market and sale, and that the master shall sell the same, and if said materials cannot be sold for enough to pay for pulling down and removing the same, that then it shall be lawful for the chancellor to order the deficiency to be paid out of the proceeds of the sale.

6. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CXCVIII.

An Act to secure to workmen the payment of wages in lawful money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer, cranberry grower or his agent or company, their agents or clerks, to pay the wages of workmen or employees by them employed in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind.

2. *And be it enacted*, That any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer, cranberry grower or his agent or company paying to the said workmen or employees, or authorizing their clerks or agents to pay the wages, or any part thereof, in either store goods, merchandise, printed, written, verbal orders, or due bills of any kind except as aforesaid, shall forfeit the amount of said pay or any part of wages of said workman or employee given in store goods, merchandise, printed, written, verbal orders or due bills of any kind, and the same not to offset against the wages of said workman or employees, but he or they shall be entitled to recover the full amount of his or their wages, as though no such store goods, merchandise, printed,

written, verbal orders or due bills had been given or paid; and no settlement made with such employer shall bar such action until after a lapse of one year from such settlement.

Provisions of act
who to extend to.

3. *And be it enacted*, That the provisions of this act shall extend to all seamstresses, females and minors employed in factories or otherwise.

Penalty for of-
fending against
the provisions of
this act, &c.

4. *And be it enacted*, That any glass manufacturer, iron-master, foundryman, collier, factoryman, employer or company offending against the provisions of this act, the same shall be a misdemeanor, and punishable by a fine of not less than ten dollars or more than one hundred for each and every offence, or imprisonment not to exceed the term of thirty days, at the discretion of the court; but nothing in this act shall apply to or affect any private individual giving orders as aforesaid on a store in the business or profits whereof he has no interest, directly or indirectly, or to the offset of any debt due from such workmen to any glass manufacturers, iron-master, foundryman, collier, factoryman, employee or company where the said debt is voluntarily contracted by the employee, or to the payment of any debt due from such workman to any glass manufacturer, ironmaster, foundryman, collier, factoryman, employer or company.

Act not to apply
to any private in-
dividual, &c.

Act when to take
effect.

5. *And be it enacted*, That this act shall take effect the fourth of July next, and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 12, 1880.

CHAPTER CXCIX.

An Act to regulate the practice of medicine and surgery.

Every person
practicing medi-
cines and surgery
shall be a gradu-
ate of medical
college, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person practicing medicine or surgery in this state in any of their branches

for gain, or who shall receive or accept for his or her services any fee or reward either directly or indirectly, shall be a graduate of some legally chartered medical college or university in good standing, or some medical society having power by law to grant diplomas; and such person before entering upon said practice shall deposit a copy of his or her diploma with the clerk of the county in which he or she may sojourn or reside, and shall pay said clerk ten cents for filing the same in his office; said copy to be a matter of record, and open to public inspection.

Copy of diploma
to be deposited
with county
clerk.

2. *And be it enacted*, That any person who shall practice medicine or surgery, without conforming to the requirements of the first section of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of twenty-five dollars for each prescription made or operation performed, said fine to be sued for and recovered in an action of debt, by any person who will sue for the same, and in default of payment of said fine, the offender shall be imprisoned in the county jail for a period of not less than three nor more than six months; *provided, always*, that he or she may be liberated at any time by paying the amount of said fine and costs.

Penalty for practicing medicine, &c., without conforming to this act.

Proviso.

3. *And be it enacted*, That it shall be unlawful for any person not qualified according to the first section of this act, to collect any fees for medical or surgical services.

Unlawful for any person not qualified to collect fees.

4. *And be it enacted*, That any person who shall offer for record a copy of any diploma which shall have been issued to any other person, or a diploma issued or obtained fraudulently, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be punished by a fine of not less than three hundred dollars, nor more than five hundred dollars, or imprisonment at hard labor for not less than one nor more than three years, or both at the discretion of the court.

Penalty for offering for record any diploma issued or fraudulently obtained.

5. *And be it enacted*, That nothing in this act shall be so construed as to prevent any physician or surgeon in good standing, and legally qualified, to practice medicine or surgery in the state in which he or she resides, from practicing in this state, but all persons opening any office, or appointing any place where he or she may meet patients, or receive calls, shall be deemed a sojourner in

Act not to be construed to prevent physicians or surgeons of good standing to practice, &c.

this state, and shall conform to the first section of this act.

Act when to take effect.

6. *And be it enacted*, That this act shall take effect on the first day of June, one thousand eight hundred and eighty.

Approved March 12, 1880.

CHAPTER CC.

An Act to facilitate the arrest and punishment of violators of the law in localities beyond and adjacent to the corporate limits of the cities of this state.

Preamble.

WHEREAS, It is represented that in divers localities beyond and adjacent to the corporate limits of certain cities of this state, divers evil disposed persons do assemble on the Christian Sabbath, or first day of the week, commonly called Sunday, and then and there engage in unlawful games and sports and that they do also on other days of the week there commit divers other offences against the law and escape conviction and punishment therefor, by reason of the want of a constable or police officer to arrest such offenders; therefore in order to remedy the said evil,

Owners of lands may appoint in writing special constables.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful at any time hereafter for any persons who may own and reside on lands situated beyond and within one mile of the corporate limits of any city in this state, by writing under the hands of any three or more of them, to appoint one or more special constable or constables, for any term not exceeding one year at any one time, and for such limits within the locality aforesaid as such owners and residents aforesaid may designate; and it shall be the duty of any such special constable or constables when appointed as aforesaid, immediately to apprehend

any person or persons who may, at any time hereafter be found by such special constable or constables within the locality for which he or they may be appointed as aforesaid, offending against or violating any of the provisions of the first section of the act of the legislature of this state entitled "An act for suppressing vice and immorality," approved March twenty-seventh, one thousand eight hundred and seventy-four, and such special constable or constables shall take such offender or offenders before a magistrate as soon as conveniently may be, in order that such offender or offenders may be dealt with according to law, and it shall be lawful for any such special constable or constables to detain such offender or offenders until the next day, then to be dealt with according to law, unless such offender or offenders, shall give sufficient security before some magistrate, to appear at any time and place that he may direct, to answer the charge preferred against him or them, in which case it shall be lawful for such magistrate to discharge such offender or offenders.

Constables may make arrests for violating provisions of a certain act.

2. *And be it enacted*, That it shall be the duty of any such special constable or constables, when appointed as aforesaid, immediately to apprehend any person or persons, who may at any time hereafter be found by any such constable or constables within the locality for which he or they may be appointed as aforesaid, committing any crime or misdemeanor against the laws of this state, and take such offender or offenders before a magistrate as soon as conveniently may be, in order that he or they so offending may be dealt with according to law.

Constables may arrest persons committing any crime, &c.

3. *And be it enacted*, That any such special constable or constables who may hereafter perform any of the duties or services herein directed, shall be entitled to the same assistance and protection, and shall be under the same restrictions and liabilities as a constable would be on the same occasion; *and further*, that all such special constables shall be paid by the persons by whom they may be appointed for all services rendered by them.

Special constables to be entitled to assistance and protection.

Proviso.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCI.

An Act to repeal so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, entitled "A supplement to an act entitled 'An act to regulate elections.'"

Repealer. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That so much of chapter one hundred and thirty-eight of the laws of one thousand eight hundred and seventy-nine, entitled "A supplement to an act entitled 'An act to regulate elections,'" as regulates the pay of election officers, be and the same is hereby repealed.

Section re-enacted. 2. *And be it enacted*, That section one hundred and twenty-two of said act, which reads as follows, to wit:

Fees of election officers. "122. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive for the services herein mentioned the fees thereto respectively annexed and no more, to be paid by the collectors of the counties respectively in which such services shall be performed:

"The clerk of each township, for advertising said election, one dollar and fifty cents;

"The clerk of each election, for each day's service, three dollars;

"Each member of the boards of election, for each day's service, three dollars;

"Each member of any board of county canvassers, for each day's service, three dollars;

"For mileage in attending any such board, five cents for every mile, out and in, to be computed from the court house to his residence;

"The clerk of each county, for advertising any special election, two dollars;

"The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents," be and the same

is hereby re-enacted, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. *And be it enacted*, That eight hours shall constitute, with the fractional parts thereof, a day's work for the members of election boards. What to constitute a day's work for election boards

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCII.

A Supplement to the act entitled "An act respecting county physicians," approved April twenty-first, one thousand eight hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the county physician of any county of this state where there is such an officer, and one of the coroners of the county where there is no county physician, shall, when he takes charge of the remains of any unknown person found dead in any county, also take charge of all the money, clothing, and other valuable personal effects of the deceased person found in connection with or pertaining to said body, and after using such of the clothing as may be necessary in the burial of the body, shall make and file with the clerk of the board of chosen freeholders of the county, with an oath or affirmation thereto annexed, that the same is a correct and true inventory of all the effects found in connection with, or pertaining to said body, to the best of his knowledge and belief, which effects, with a copy of said inventory, he shall deliver to the county collector of the county within ten days after the burial of said body; and that the county collector may in his discretion, sell the said effects at public sale, on such notice as is required by law in the case of the sale of personal property by a constable under an execution, County physicians and coroners to take charge of remains of any unknown person found dead.

Inventory of effects to be made and filed with the county clerk.

County collector may sell effects at public sale.

Proceeds of sale if not claimed how disposed of.

to the highest bidder, all of such effects as may be of a perishable nature, or as may be sold without great sacrifice, for the benefit of the next of kin of said deceased; and the county collector after holding the net proceeds of such sale for one year, shall, if not claimed within that time by said next of kin, dispose of the same, as the board of chosen freeholders of the county may direct, for the benefit of the county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCIII.

An Act to enable township committees of certain townships to grant licenses.

Township committees empowered to pass, alter or repeal ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of any township of this state being created under a special act of the legislature and having less than three hundred voters shall have power to pass, alter, repeal ordinances to take effect within their respective townships for the following purposes:

To license, regulate and prohibit inns, taverns, &c.

I. To license, regulate and prohibit inns, taverns of spirituous, vinous, malt or other strong or intoxicating liquors, and to license and regulate hawkers, peddlers and slaughter houses;

To fix terms, and make rules, regulations, &c.

II. To fix the terms upon which licenses for such purposes shall be granted, and to make all proper rules and regulations for the collection of license fees, and no other license for any of such purposes shall be valid within such township, except licenses granted by the governor to hawkers and peddlers;

To prescribe penalties, &c.

III. To prescribe the penalties by fine, not exceeding twenty dollars in each case, or by imprisonment in the county jail, not exceeding ten days in each case, or both,

for any violation of any ordinance authorized by this act; *provided, however*, that the person or persons violating the provisions of such ordinance or ordinances shall be brought before a justice of the peace in such township, who shall have cognizance of such offence. Proviso.

2. *And be it enacted*, That every contemplated ordinance shall be presented at a regular meeting of the township committee, and shall receive a two-third vote of the whole number of members of said committee, and the ayes and nays entered at large upon the clerk's book of minutes, when the same shall lie over until the next regular meeting, when, if two-thirds of said members vote in favor of the same, upon the ayes and nays being called, it shall be entered in a book to be provided by the township for that purpose, and it shall be signed by the chairman and clerk; *provided, however*, before it takes effect it shall be published for ten days in a newspaper, published in said township, or, if no newspaper is published therein, then in some newspaper published in the county and circulating in said township; and the said ordinance shall be posted for a like time in ten of the most public places in said township, and the publication and posting shall be verified by affidavit of the printer or foreman of the newspaper in which such publication shall be made, and of the person who posted such notice, and such affidavits shall be filed in the township clerk's office, and shall be evidence of such publication and posting in all courts and places. Passage of ordinances.

3. *And be it enacted*, That all public acts and parts of such acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall be a public act, and take effect immediately. Repealer.

Approved March 12, 1880.

CHAPTER CCIV.

An Act authorizing the formation of partnership associations, in which the capital subscribed shall only be responsible for the debts of the association, except under certain circumstances.

Three or more persons may form a partnership association for the purpose of conducting any lawful business or occupation.

Statement in writing to be made and recorded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any three or more persons may desire to form a partnership association, for the purpose of conducting any lawful business or occupation within the United States or elsewhere, whose principal place of business shall be established and maintained within this state, by subscribing and contributing capital thereto, either in money or in real or personal estate, mines or other property at a valuation to be approved by all the members subscribing to the capital of such association, which capital shall alone be liable for the debts of such association, it shall and may be lawful for such persons to sign and acknowledge before some officer competent to take the acknowledgment of deeds, a statement in writing, in which shall be set forth the full names of such persons, and the amount of capital of said association subscribed for by each, the character of the subscription, and if in property other than cash the description and valuation of said property, the total amount of capital, and when and how to be paid, the character of the business to be conducted and the location of the same; the name of the association with the word "limited" added thereto as part of the same, the contemplated duration of said association, which shall not in any case exceed twenty years, and the names of the officers of said association, selected in conformity with the provisions of this act; and any amendment of said statement shall be made only in like manner, which said statement and

amendment shall be recorded in the office of the clerk or recorder of deeds in the proper county.

2. *And be it enacted*, That the members of any such partnership association shall not be liable under any judgment, decree or order which shall be obtained against any such association, or for any debt or engagement of such company, further or otherwise than is hereinafter provided; that is to say, if any execution, sequestration or other process in the nature of execution either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient thereof whereon to levy or enforce such execution, sequestration or other process, then such execution, sequestration or other process may be issued against any of the members to the extent of the portions of their subscriptions respectively in the capital of the association not then paid up; *provided, always*, that no such execution shall issue against any member except upon an order of court or of a judge of the court in which the action, suit or other proceeding shall have been brought or instituted; and the said court or judge may compel the production of the books of the association, showing the names of the members thereof, and the amount of capital remaining to be paid upon their respective subscriptions, and from them or other sources of information ascertain the truth in regard thereto, and may order execution to issue accordingly; and the said association shall be and it is hereby required to keep a subscription list book for that purpose, and the same shall be open to inspection by the creditors and members of the association at all reasonable times.

Individual members when held to be liable for judgments, debts, &c., of the association.

Proviso.

3. *And be it enacted*, That the word "limited" shall be the last word of the name of every partnership association formed under the provisions of this act; and every such association shall paint or affix, and shall keep painted or affixed, its name on the outside of every office or place in which the business of the association is carried on, in a conspicuous position, in letters easily legible, and shall have its full name mentioned in legible characters in all notices, advertisements and other official publications of such association, and in all bills of exchange, promissory notes, checks, orders for

The word "limited" to be the last word in name of associations in all notices, advertisements, checks, notes, &c.

Proviso.

money, bills of lading, invoices, receipts, letters, and other writings used in the transaction of the business of the partnership association; *provided*, that the omission of the word "limited" in the use of the name of the partnership association shall render each and every person participant in such omission, or knowingly acquiescing therein, liable for any indebtedness, damage or liability arising therefrom.

Interests in association deemed personal estate and how transferred.

4. *And be it enacted*, That interests in said association shall be personal estate, and may be transferred under such rules and regulations as the association may prescribe, but no transferee of any interest, or the representatives of any decedent, or of any insolvent, shall be entitled thereafter to any participation in the subsequent business of said association, unless he or she be elected thereto by a vote of the majority of the members in number and value of their interests; and any change of ownership, whether by sale, death, bankruptcy or otherwise, which shall not be followed by election to the association, shall entitle the owner only to his interest in the association at a price and upon terms to be mutually agreed upon, and in default of such agreement the price and terms shall be fixed by an appraiser appointed by the court of common pleas of the proper county, subject to the approval of said court.

Meetings of members of association and election of managers.

5. *And be it enacted*, That there shall be at least one meeting of the members of the association in each year, at one of which there shall be elected not less than three nor more than five managers of said association, one of whom shall be the chairman, one the treasurer and one the secretary, or one may be both treasurer and secretary, who shall hold their respective offices for one year and until their successors are duly installed; and no debt shall be contracted, or liability incurred for said association, except by one or more of the said managers, and no liability for an amount exceeding five hundred dollars, except against the person incurring it, shall bind the said association, unless reduced to writing and signed by at least two managers.

Profits of business may be divided.

6. *And be it enacted*, That the association may from time to time divide the profits of its business in such manner and in such an amount as a majority of its managers

may determine, which profits so divided shall not at the time diminish or impair the capital of the said association, and any one consenting to a dividend which shall diminish or impair the capital, shall be liable to any person or persons interested or injured thereby to the amount of such diminution or impairment.

7. *And be it enacted*, That it shall not be lawful for such association to loan its credit, its name or its capital to any member of said association, and for such loan to any other person or association, the consent in writing of a majority in number and value of interest shall be requisite.

Unlawful to loan its credit, name or capital to any member of association.

8. *And be it enacted*, That such association may be dissolved :

I. Whenever the period fixed for the duration of the association expires ;

How association may be dissolved

II. Whenever by a vote of a majority in number and value of interest it shall be so determined ; and notice of such winding up shall be given by publication in two newspapers published in the proper city or county at least six consecutive times, and immediately upon the commencement of said advertising, said association shall cease to carry on its business, except so far as may be required for the beneficial winding up thereof.

9. *And be it enacted*, That said association shall sue and be sued in their association name ; and when suit is brought against any such association, service thereof shall be made upon the chairman, secretary or treasurer thereof, which service shall be as complete and effective as if made upon each and every member of such association.

Association may sue and be sued, and upon whom service may be served.

10. *And be it enacted*, That whenever any association formed under the act to which this is a supplement shall have occasion to execute any deed of conveyance, or bonds with or without coupons, and mortgages, to secure, purchase or borrow moneys, such associations shall have a right to adopt and use a common seal, and to acknowledge such instruments or writings by their chairman and secretary.

Association may adopt, and use common seal.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCV.

An Act to amend an act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight.

Section amended
recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act to provide for the assessment and payment of the costs and expenses incurred in constructing sewers and making other improvements in townships and villages," approved March twelfth, one thousand eight hundred and seventy-eight, be and the same is hereby amended so as to read as follows:

Board of commis-
sioners may ap-
ply to circuit
court to have as-
sessments for con-
struction of sew-
ers, drains, &c.,
or laying out,
opening streets,
&c., vacated, and
for the appoint-
ment of commis-
sioners to make
new assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment which has been made by any board of commissioners within any township or village in this state, by virtue of any local or special law for the costs, damages and expenses of constructing any drain or sewer, or laying out, opening, widening or otherwise improving any street or avenue, or of making any other improvement (other than for the laying of sidewalks), has been or shall be hereafter set aside by any court of competent jurisdiction; or whenever any such assessment has, in the opinion of such commissioners, been made in an illegal manner, or upon erroneous principles, or whenever any such work or improvement has been directed or authorized by any legislative act, and no adequate provision has been made for the costs, damages and expenses incurred or to be incurred for such improvement, or for paying any indebtedness authorized to be incurred for such costs, damages or expenses, it shall be lawful for the said board of com-

missioners, or other persons having charge of such work or improvement, to apply to the circuit court of the county wherein such improvement is situate, or intended to be, to have such assessment vacated (if any there be not already set aside, as aforesaid), and for the appointment of commissioners to make an assessment or reassessment of such costs, damages and expenses, and the said court shall thereupon vacate any such assessment and appoint commissioners as hereinafter provided; *provided*,^{Proviso.} that nothing herein contained shall apply to or affect any assessment for improvements upon any street or avenue lying between or running through two or more townships or villages.

2. *And be it enacted*, That the eighteenth section of said act be and the same is hereby amended so as to read as follows:^{Section amended recited.}

18. *And be it enacted*, That this act shall refer to all boards of commissioners, or other persons having charge of any public improvement of the character mentioned in this act, by whatever name or style such commissioners may be designated or known in and by the act authorizing them to make such improvements, and that all special acts under which any local improvements of the character mentioned in this act, have been or shall be made, so far as such special acts are consistent with the provisions of this act, and all other acts inconsistent with this act be and the same are hereby repealed.^{Act to refer to all boards of commissioners having charge of public improvements}^{Repealer.}

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCVI.

An Act to regulate term of office in municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any officer of any ^{What constitutes a vacancy.}

Vacancies how filled. municipal government in this state shall remove from any such municipality, and shall no longer be a bona fide resident therein, such removal and non-residence shall constitute a vacancy in the office held by such non-resident; and such municipality, by its lawfully constituted authority, shall immediately proceed to fill such vacancy in the manner and form prescribed by law for the filling of such vacancies, but this act shall not apply to the removal of any such officer from one ward to another ward of any such municipality unless otherwise provided by any special charter of any city in this state.

2. *And be it enacted*, That this act shall be deemed to be a public act, and shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCVII.

An Act relative to boards of education in cities.

President of board of education not to receive any salary or compensation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of this state where the office of president of the board of education or board of directors of education exists or is created by any general or special law, such president shall hereafter receive no salary or compensation whatever for performing the duties of such office, but nothing herein contained shall be deemed or taken to affect or take away the salary of the present incumbent of any such office.

Repealer. 2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCVIII.

A Supplement to "An act for the appointment of a special tax commission," approved March fourteenth, one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three, to which this is a supplement, which section reads as follows, viz:

"3. *And be it enacted*, That the members of said com-
mission shall receive compensation for their services at
the rate five dollars each per diem, for the term actually
and necessarily employed in performing the duties pre-
scribed in the foregoing sections, together with their
traveling and hotel expenses actually and necessarily
incurred; *provided*, that the time for which compensation
shall be allowed to any member shall not in any case
exceed fifty days; and that a clerk may be employed by
the commission at a compensation not to exceed two and
a half dollars per diem, and for a period not to exceed
sixty days," be and the same is hereby amended so as to
read as follows, viz:

3. *And be it enacted*, That the members of said com-
mission shall receive compensation for their services at
the rate of five dollars each per diem, for the time actually
and necessarily employed by them respectively in per-
forming the duties prescribed in the foregoing sections,
together with their traveling and hotel expenses actually
and necessarily incurred; *provided*, that the time for
which compensation shall be allowed to any member
shall not in any case exceed one hundred days, and that
a clerk may be employed by the commission at a
compensation not to exceed two and a half dollars per
diem, and for a period not to exceed four months; *and*
provided further, that the bills presented under this act
shall be approved by the governor before payment.

Section to be
amended recited.

Section as
amended.

Compensation of
members of com-
mission.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCIX.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any municipal board, or any committee of any such board, in any city containing a board of finance and taxation or a board of aldermen, has incurred indebtedness prior to the fiscal year of such city, ending in the year one thousand eight hundred and seventy-eight, in excess of the appropriation made to such board for any fiscal year prior to the fiscal year ending in the year one thousand eight hundred and seventy-eight, and such indebtedness remains unpaid, the clerk of the board of finance and taxation in such city, or where there is no such board then the clerk of the board of aldermen shall examine into such indebtedness, and shall, within a reasonable time, render a statement to such board of such claims, or of so much thereof as ought in justice to be paid; and upon receipt of such statement, as aforesaid, said board shall allow and order paid such claims, or so much thereof as shall be reported upon by said clerk as aforesaid, if they shall be satisfied that such claim ought to be paid; *provided*, no moneys shall be paid for any lands purchased which may have been adjudicated on and which adjudication may still remain undecided or which may have been decided adversely, and said board of finance and taxation, or where there is no such board then the board of aldermen are hereby authorized to borrow in anticipation of taxes next thereafter to be levied in such city sufficient money to pay and satisfy so much of said indebtedness as shall be audited as just and ordered paid, and the amount thus

Clerk to examine and render statement of amount, indebtedness and claims.

Board to allow and order paid all claims, &c.

Proviso.

borrowed shall be put in the tax levy next thereafter; *provided*, that the entire amount or amounts paid under this act shall not exceed in any city the sum of twenty-five hundred dollars. Proviso.

2. *And be it enacted*, That this act shall be a public act and take effect immediately.

Approved March 12, 1880.

CHAPTER CCX.

A Supplement to the act entitled "A supplement to the act entitled 'An act to incorporate societies for the promotion of learning'" (Revision), approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any institution of learning in this state, founded or hereafter to be founded under and by virtue of the provision of an act of the legislature of the state of New Jersey, entitled "A supplement to the act entitled 'An act to incorporate societies for the promotion of learning'" (Revision), approved April the ninth, one thousand eight hundred and seventy-five, which supplement was approved March fourteenth, one thousand eight hundred and seventy-nine, shall, in addition to the powers, rights and privileges conferred upon said institution by the said supplement and the act to which the same is a supplement, have the right, power and privilege as from time to time shall seem to the trustees and faculty thereof to be expedient and proper, to give diplomas and confer degrees upon those who shall successfully complete the prescribed course of study in such institution, and to confer honorary degrees upon such others as shall be recommended for that purpose by the board of trustees of such institution; *provided*, that nothing in this act shall be construed to authorize any such institution to confer any degree or Institutions may have power to give diplomas and confer degrees, &c. Proviso.

diploma authorizing the practice of medicine, dentistry or law.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXI.

An Act in relation to taxation and assessments in cities.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That on and after the passage of this act it shall be lawful for the board of finance of any city in this state, to make such equitable settlement of past due taxes and assessments as such board shall deem to be for the best interests of such cities; *provided*, that such settlement shall be agreed to by a three-fourths vote of the city council or other legislative body of such city or cities; *and provided*, that such settlement shall not apply to any taxes or assessments due after the first day of May, one thousand eight hundred and seventy-nine; *and further provided*, that such settlement shall be made before the first day of March, one thousand eight hundred and eighty-one.

Board of finance
may make equitable
settlement
of past due taxes
and assessments.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXII.

A Supplement to the act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having thirty-five thousand inhabitants, and in which there is no regularly enrolled company of the national guard, there may be organized a battalion, to consist of not less than two, nor more than three additional companies, of not less than fifty nor more than eighty enlisted men to each company, which battalion and companies composing the same shall be entitled to the rights, privileges and allowances, and be required to perform the like duties, now provided by law for infantry battalions and infantry companies of the national guard, except as hereinafter provided. Battalion may be organized and be entitled to all the rights, &c.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and that this act shall take effect immediately. Repealer.
Approved March 12, 1880.

CHAPTER CCXIII.

A Supplement to an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the thirty-sixth section of the act to which this is a supplement, and which now reads as follows :

Section to be amended recited.

"36. *And be it enacted*, That each of the members of the respective boards of chosen freeholders shall have and receive out of the moneys raised by order of such board, two dollars for each day he shall be necessarily employed in discharging the duties enjoined on him by this act," be and the same is hereby amended so as to read as follows :

Section as amended.

Compensation of members of boards of chosen freeholders.

36. *And be it enacted*, That each of the members of the respective boards of chosen freeholders shall have and receive out of the moneys raised by such boards, two dollars for each day he shall be actually and necessarily employed in discharging the duties enjoined on him as such officer, upon his filing with the county collector an itemized bill of such service, verified by affidavit, and the same being ordered paid by the board of chosen freeholders according to law ; and no other allowance or emolument, directly or indirectly, shall be received by such officer ; *provided, however*, that this act shall not apply to any county in this state where the members of boards of freeholders are now paid an annual salary by any special law of this state.

Itemized bill of service to be verified by affidavit.

Proviso.

Bills when to be ordered paid.

2. *And be it enacted*, That no bill shall be ordered paid by the board of chosen freeholders of any county in this state, except at a regular meeting of said board, and then only when properly itemized and verified according to law.

Members of board of chosen freeholders to take oath.

3. *And be it enacted*, That each of the members of the board of chosen freeholders of the several counties of this state shall, before they enter upon the duties of their office, subscribe an official oath to faithfully, impartially, and justly perform all the duties of their office to the best of their understanding and ability, which oath shall be taken before the presiding judge of the court of common pleas in said county and filed in the office of the county clerk.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXIV.

A Further Supplement to the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders of any county in this state shall have appointed a committee of members of their body upon any subject or matter within their jurisdiction, or to examine any officer or said board or holding an appointment from said board in relation to the discharge of his official duties or conduct, or to the receipt or disbursement by him of any moneys in the discharge of said duties, or concerning the possession or disposal by him, in his official capacity, of any property belonging to said board or to the county, or to inspect or examine any book, account, voucher or document in the possession or under the control of such officer, relating to the affairs or interest of said county, it shall be lawful for the chairman of said committee, or any member thereof, to administer an oath or affirmation to any person attending as a witness before said committee, and for any judge of the circuit court of said county, on application made to him by the director of said board, to make an order awarding process of subpoena out of said court for persons wanted as witnesses before said committee to appear and testify before said committee; and upon filing such order in the office of the clerk of said court it shall be the duty of said clerk to issue process of subpoena, under the seal of said court, requiring such witness to appear and testify before said committee, which process of subpoena shall be served in the same manner and be of the same force and effect as like process issued out of said court; and any

Chairman of committee of board of chosen freeholders authorized to administer oaths to witnesses, &c.

Judge of circuit court may order process of subpoena to compel attendance of witnesses to appear and testify.

Penalty for refusing to testify, &c. person attending in pursuance of such subpoena shall be entitled to the same fees as witnesses in other cases, and in case of disobedience of such process, or of refusal to testify, or be sworn or affirmed, shall be subject to the same penalties, including punishment as for contempt of said court, as are provided in cases pending in said court; and any person who shall wilfully and corruptly testify falsely to any matter, upon oath or affirmation administered by any member of such committee, upon such investigation or inquiry, shall, upon conviction thereof, be subject to the penalties of perjury.

Penalty for testifying falsely, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXV.

A Further Supplement to the act entitled "An act concerning public road boards," approved April twenty-first, anno domini one thousand eight hundred seventy-six.

Chosen freeholders to fix compensation of members of public road boards.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the members of the public road boards of the several counties of this state, shall hereafter receive only such compensation as shall be fixed by the boards of chosen freeholders of said counties respectively; *provided*, that this act shall not be construed to apply to any members of said road boards who were elected or appointed as such prior to the year one thousand eight hundred and seventy-nine, and whose terms of office, by virtue of such election, have not yet expired.

2. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXVI.

An Act for the support of the state reform school for boys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of thirty thousand dollars be and the same is hereby appropriated for the support and maintenance of the state reform school for boys. Appropriation.

2. *And be it enacted*, That to enable the trustees to procure an abundant supply of pure water the sum of five thousand dollars is hereby appropriated; *provided*, Appropriation for supply of water. *however*, that none of the said amount shall be used in sinking driven wells. Proviso.

3. *And be it enacted*, That the treasurer is hereby authorized to pay these several amounts to the trustees of the state reform school for boys on the warrant of the comptroller. Treasurer authorized to pay amounts.

4. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXVII.

A Supplement to an act entitled "A further act respecting county physicians," approved March thirteenth one thousand eight hundred and seventy-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall not be construed to affect the term or Act not construed to affect term or compensation.

compensation of any county physician appointed prior to the first day of January, eighteen hundred and seventy-nine.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXVIII.

A Supplement to "An act to regulate the sale of milk," approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of the act to which this is a supplement, which section reads as follows :

Section to be amended recited.

"3. *And be it enacted*, That all penalties imposed under the provisions of this act, may be sued for in any county of this state where the offence is committed, in any court having competent jurisdiction, one-half of the fine to go to the person making the complaint, and the other half to be paid to the county collector for the benefit of the county," be amended to read as follows :

Section as amended.
Penalties imposed may be sued in county.

State board of health empowered to appoint an inspector of milk.

3. *And be it enacted*, That all penalties imposed by the provisions of this act, may be sued for in any county of this state where the offence is committed, in any court having competent jurisdiction; that the state board of health are hereby empowered and directed to appoint each year a competent person who shall act as inspector of milk, at a salary not exceeding six hundred dollars per annum, payable on the order of the president and secretary of the state board of health, approved by the governor, in quarterly payments, for the purposes of this act, and who shall act until removed by said board or until his successor is appointed; said inspector, having reason to believe the provisions of this act are being vio-

Power and duties of inspector.

lated, shall have power to open any can, vessel or package containing milk and not stamped or marked as directed by the first section of the act to which this is a supplement, whether sealed or otherwise, or whether in transit or otherwise; and if, upon inspection, he shall find such can, vessel or package to contain any milk which has been adulterated or from which the cream or any part thereof has been removed, said inspector is empowered to pour the contents of such can, vessel or package upon the ground, and bring suit against the person or party so violating the law, and the penalty when so collected by such suit, shall be paid into the treasury of this state; that when suit is brought under this act by any person other than such inspector, the penalty, when collected, shall one-half go to the complainant and the other half to the county collector for the benefit of the county.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXIX.

An Act to provide for the payment of fixed annual salaries to the several prosecutors of the pleas in this state.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act there shall be paid to the several prosecutors of the pleas in this state fixed annual salaries in lieu of fees, and at and after the following rates, viz:

To the prosecutors of the pleas of the counties of Atlantic and Ocean, each the sum of four hundred dollars;

To the prosecutor of the pleas of the county of Hunterdon, six hundred dollars;

Annual salaries
of prosecutors of
pleas.

Prosecutors of
Atlantic and
Ocean counties.
County of Hun-
terdon.

County of Morris.	To the prosecutor of the pleas of the county of Morris, fifteen hundred dollars;
County of Monmouth.	To the prosecutor of the pleas of the county of Monmouth, twelve hundred dollars;
County of Mercer.	To the prosecutor of the pleas of the county of Mercer, eighteen hundred dollars;
County of Passaic.	To the prosecutor of the pleas of Passaic county, two thousand dollars;
County of Hudson.	To the prosecutor of the pleas of the county of Hudson, the sum of seven thousand dollars, and he shall defray the expenses of his assistant out of the salary so paid; that all of the salaries so fixed shall be paid in quarter-annual payments by the collectors of the several counties.
Salaries to be in lieu of all fees, costs, &c.	2. <i>And be it enacted</i> , That the said salaries shall be in lieu of all fees, costs and compensation or allowances now received by them or to which the said prosecutors of the pleas shall be entitled under existing laws, and all such fees, costs, compensation or allowances shall be taxed in all bills of costs, the same as now taxed, and shall be collected by the sheriffs of the several counties, and be by them paid over to the respective county collectors for the use of the said counties.
Fees, costs, &c., how taxed and by whom collected.	
Salaries of prosecutors heretofore fixed, continued.	3. <i>And be it enacted</i> , That the salaries of the prosecutors of the pleas in the counties not herein specifically named, and which were heretofore fixed by special acts, shall be continued as thus established.
	4. <i>And be it enacted</i> , That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXX.

A Supplement to an act entitled "An act to establish a state board of health," approved March ninth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the powers conferred by the act to which this is a supplement, said board shall have full power and authority to examine and determine whether pleuro-pneumonia, rinderpest, or any other contagious or infectious disease exist among animals in any county in this state; and that the sum of five hundred dollars is hereby appropriated to defray the actual necessary expenses of said board while making such examinations.

State board of health empowered to examine and determine whether any contagious disease, &c., among animals exist in this state.

Appropriation to defray expenses.

2. *And be it enacted*, That in event of any contagious or infectious disease as aforesaid, breaking out or being suspected to exist in any locality in this state, it shall be the duty of all persons owning or having any interest whatever in said cattle, immediately to notify the said board of health, or any one of them, of the existence of such disease, and thereupon it shall be the duty of said board of health or any member thereof to immediately proceed to the place or places where said disease is reported to exist, and to quarantine said animal or animals, and take such precautionary measures as shall be deemed necessary; to prescribe such remedies as in their judgment will be conducive to the recovery of such animal or animals, and to enforce such regulations as may be adopted by said board of health.

Owners of animals to notify state board of health of existence of any contagious or infectious disease, &c.

Board to quarantine animal or animals and to prescribe remedies and enforce regulations, &c.

3. *And be it enacted*, That the board of health aforesaid, and all such assistants as they may appoint, whenever in their judgment or discretion it shall appear in any case that the disease is not likely to yield to any remedial treatment, or whenever it shall seem that the cost or worth of any such remedial treatment shall be greater than the value of any animal or animals so afflicted, or whenever in any case such disease shall threaten its spread to other animals, to cause the same to be immediately slaughtered, and their remains to be buried not less than four feet under ground, and all places in which said animals shall have been kept to be cleansed and disinfected.

Board may appoint assistants, &c.

Animals may be slaughtered and buried.

4. *And be it enacted*, That in all cases where animals afflicted with, or which shall have been exposed, shall have been slaughtered or killed by the order of the said board of health, or their assistants, it shall be the duty

Board of health or assistants to appoint freeholders to appraise value of animals, killed or slaughtered.

of said board to appoint three competent and disinterested freeholders to appraise the value of the animals so killed or slaughtered, at the time they were so killed; who shall be affirmed, or sworn before proceeding to act, to make a just and true valuation of said animals so killed, at the time of their slaughter, two-thirds of which said valuation or appraisement shall be paid to the owner or owners by the state.

Penalty for owner refusing or neglecting to notify board of health of existence of pleuro-pneumonia, &c.

5. *And be it enacted*, That any person or persons refusing or neglecting to notify said board of health, or any one of them, of the existence of pleuro-pneumonia, rinderpest, or any other contagious or infectious disease among cattle, shall be deemed and adjudged guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than two hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Bills for money expended how audited, approved and paid.

6. *And be it enacted*, That all bills for money expended under this act shall be audited by the comptroller of this state and then submitted to the governor for his approval, and after being thus audited and approved by the governor, shall be paid by the state treasurer upon warrant of the comptroller.

Proceedings of board to be published.

7. *And be it enacted*, That said board shall keep a full record of their proceedings and shall publish the same in the annual report of the state board of agriculture, yearly and every year during the existence of this law.

Penalty for buying or selling any animal affected with any contagious disease, &c.

8. *And be it enacted*, That if any person or persons shall knowingly either buy or sell or cause to be bought or sold any animal or animals affected with the pleuro-pneumonia, rinderpest, or any other contagious or infectious diseases, all such person or persons shall be deemed and adjudged guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding two hundred dollars or imprisonment not exceeding one year, or both, at the discretion of the court.

In case of emergency additional expenditure may be authorized.

9. *And be it enacted*, That in case an emergency shall arise and a larger sum shall be deemed necessary, that the amount appropriated by the preceding sections of this act, said state board of health shall present the facts in evidence to the president of the state agricultural society, and the president and executive committee of the

state board of agriculture, who shall authorize such additional expenditure as in their judgment they may deem the exigency of the occasion to demand; *provided*, that in no case shall the amount of money thus authorized to be expended exceed the sum of five thousand dollars in any one year. Proviso.

10. *And be it enacted*, That all acts and parts of acts in- Repealer. consistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXXI.

A Further Supplement to the act entitled "An act for the settlement and relief of the poor" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, and supplemental to the supplement approved April fifth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on application for relief being made to any overseer or overseers of the poor of any township by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the township in which such relief is required, and in case there is no justice of the peace of the said township, then to a justice of the peace of an adjoining township; and the proceedings in all other respects shall be the same as is now required by the said act and the said supplement. Upon application for relief overseer of poor to go before a justice of the peace, &c.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXXII.

A Further Supplement to the act entitled "An act concerning corporations" (Revision), approved April seventh, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of co-operation in carrying on any manufacturing or co-operative trade, authorized by the tenth section of the act to which this is a supplement, Seven or more persons may form a co-operation for carrying on any manufacturing trade, &c. seven or more persons may associate themselves with a capital of not less than one thousand nor more than fifty thousand dollars.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

CHAPTER CCXXIII.

A Supplement to an act entitled "An act constituting courts for the trial of small causes" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eighty-seven of said act, which is in the following words, to wit:

Section repealed. "87. *And be it enacted*, That in all cases of appeal from the judgment of any justice of the peace not rendered on the verdict of a jury, it shall and may be lawful for either party to appeal, upon giving notice in writing to

the clerk of the court of common pleas of the county at least ten days previous to the first day of the term to which the appeal shall have been sent up, if the trial be had at that term, or if not, then at least ten days previous to the first day of the term next succeeding, to demand a trial of said appeal by jury, and upon receiving such notice said clerk shall file the same in his office, and said appeal shall be tried by a jury in the same manner as jury appeals are now tried and determined; otherwise, such appeal shall be heard and determined by the court," be and the same is hereby repealed.

2. *And be it enacted*, That section eighty-eight of the act to which this is a supplement, and which is in the following words, to wit:

"88. *And be it enacted*, That every appeal from the judgment of any justice of the peace founded on the verdict of a jury, shall be heard and determined by the court to whom such appeal is or shall be made, unless either of the parties to the said appeal shall demand a trial by jury, in which case the sheriff shall return a jury either immediately or at such future time as the said court shall direct, and that by order of the court and without writ," be and the same is hereby amended to read as follows:

88. *And be it enacted*, That every appeal from the judgment of any justice of the peace founded on the verdict of a jury, where the judgment appealed from shall not exceed, exclusive of costs, the sum of thirty dollars, shall be heard and determined by the court to whom such appeal is or shall be made; and all appeals from the judgment of any justice of the peace founded on the verdict of a jury, where the judgment appealed from shall exceed, exclusive of costs, the sum of thirty dollars, shall be heard and determined by the court to whom such appeal is or shall be made, unless either of the parties to the said appeal, where the judgment appealed from shall exceed, exclusive of costs, the sum of thirty dollars, shall demand a trial by jury, in which case said appeal shall be tried by jury, and the sheriff shall return a jury either immediately or at such future time as the said court shall direct, and that by order of the court and without writ.

Section to be amended recited.

Appeal founded on verdict of jury tried by court unless jury demanded where judgment appealed from shall not exceed thirty dollars, &c.

3. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution in reference to pension claims of New Jersey volunteers.

WHEREAS, It is represented that a very large number of unsettled claims for pension of New Jersey volunteers are now pending before the pension department of the United States, and it is evident that many of these applications have been made by worthy soldiers in needy circumstances, and requiring only the attention of some official to urge their early settlement; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor of this state be and he is hereby authorized and empowered to direct the adjutant general of the state to examine, either in person or by an assistant, into the class of claims for pension, just referred to, and urge their allowance by the proper auditing officers of the United States treasury.

2. *And be it resolved*, That the necessary expenses incurred in the performance of the duties above prescribed, shall be approved by the governor and paid by the treasurer on the warrant of the comptroller.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved March 10, 1880.

NUMBER II.

Joint Resolution in reference to the protection of public records from destruction by fire.

WHEREAS, It is represented by the heads of certain departments of the state government that many valuable records and papers are exposed to danger from fire by reason of the offices of said departments having no fire-proof vaults connected with them; *and, whereas,* the destruction of said records and papers would prove an irreparable loss to the state; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey,* That the governor of the state is hereby authorized and requested to consult with the state officers, and if in his judgment it be practicable to alter or change rooms in the state house so as to furnish the necessary protection, he is authorized to cause the said work to be done as speedily as practicable; *provided,* that the cost thereof shall not exceed two thousand dollars, and he is further authorized to assign and cause to be suitably fitted up such rooms for the accommodation of the public officers of this state as he may deem necessary to facilitate the public business.

2. *And be it resolved,* That the comptroller shall draw his warrant upon the treasurer for the bill of expenses incurred in making the said alteration; *provided,* the said bills are approved by the governor.

3. *And be it resolved,* That this joint resolution shall take effect immediately.

Approved March 11, 1880.

NUMBER III.

Joint Resolution to authorize the payment of the expenses of the New Jersey State Rifle Team and to pay the instructor of rifle practice.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the comptroller of this state be and he is hereby authorized and empowered to draw his warrant for and the treasurer is authorized to pay the expenses incurred by the Military State Team that represented this state at the late fall meeting of the National Rifle Association at Creedmore, and that he pay the instructor of rifle practice according to his rank for the number of days actually on duty, on the approval of the governor.

2. *And be it resolved*, That this resolution shall take effect immediately.

Approved March 11, 1880.

NUMBER IV.

Joint Resolution in relation to the soldiers, sailors and marines of the Mexican War.

WHEREAS, The people of the United States owe a debt of gratitude to the gallant men who fought under their flag, on sea and land, in the Mexican War, a contest which has secured to the American Union territories of great value, which have yielded precious metals and cereal products in such abundance as to develop, in an extraordinary degree, our material interests, and promote our moral welfare ; *and whereas*, since the termination of that glorious contest, over thirty years have elapsed, leaving many of the participants therein, aged, infirm or poor, while the general government has collected, on the soil acquired by their valor, immense revenues in the past, which will increase in an extraordinary ratio in the future ; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That our representatives in congress and our senators be requested to use their best efforts to procure the passage of an act granting pensions to the soldiers, sailors and marines of the Mexican War of eighteen hundred and forty-six, seven and eight.

2. *And be it resolved*, That his excellency, the governor, be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved March 12, 1880.

PROCLAMATION.

PROCLAMATION

BY

GEO. B. McCLELLAN, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

If even when war and pestilence prevail we have ample cause to render thanks to the Almighty for His goodness, so much more reason have we now, when He has brought back prosperity to our land; when He has again blessed the farmer with abundant harvests; when He has restored activity to trade and manufactures, given work to the laboring men, in whose homes privation and want so long prevailed; when He has restrained the pestilence; when He has given us peace, health and prosperity.

For these good reasons, and in accordance with the established custom of the State, I, George B. McClellan, Governor of the State of New Jersey, do hereby designate Thursday, the twenty-seventh day of November, instant, as a day of public thanksgiving and praise throughout this State, when we may render thanks to Almighty God for His abundant benefits to us, and humbly beseech Him for a continuance of His blessings,

not according to our deserts, but in the superabundant measure of His mercy and loving kindness.

[L. s.] Given under my hand and seal, at the Executive Chamber, in the city of Trenton, this eighteenth day of November, in the year of our Lord one thousand eight hundred and seventy-nine, and of the Independence of the United States the one hundred and fourth.

GEO. B. McCLELLAN.

Attest:

JOHN A. HALL,
Private Secretary.

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SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND FOURTH LEGISLATURE.

CHAPTER XVII.

An Act to divide the township of Westampton, in the county of Burlington, into two townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township of Westampton, in the county of Burlington, shall be and the same is hereby divided into two townships, in the following manner, that is to say: all that part of said township west of a line beginning at a point in the middle of the public road leading from Mount Holly to Jacksonville, and in the division line between the townships of Westampton and Northampton, and runs thence up the middle of said road to the line dividing the townships of Westampton and Springfield, shall constitute and be known as the township of Westampton; and all that part lying east of said line shall constitute and be known as the township of Eastampton.

Township divided into two townships.

Boundaries of township of Westampton.

Township of Eastampton.

2. *And be it enacted*, That the inhabitants of the township of Westampton are a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Westampton, in the county of Burlington," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the

Corporate name.

same regulations, government and liabilities as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subjected to by existing laws of this state.

Corporate name.

3. *And be it enacted*, That the inhabitants of the township of Eastampton are constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Eastampton in the county of Burlington," and shall be entitled to all rights, power, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in said county of Burlington are or may be entitled or subjected to by existing laws of this state.

The first town meeting in Westampton when and where held.

4. *And be it enacted*, That the inhabitants of the township of Westampton shall hold their next annual town meeting at Rancocas Hall, in the village of Rancocas, in said township, on the second Tuesday of March next.

The first town meeting in Eastampton when and where held.

5. *And be it enacted*, That the inhabitants of the township of Eastampton shall hold their first town meeting at Smith's Hall, in the village of Smithville, on the second Tuesday of March next.

Judges and clerk of election.

6. *And be it enacted*, That William R. Wills, Abel Haines and John Clothier be and they are hereby appointed judges of elections, to hold and preside over the first town meeting, and William H. Shemeley is hereby appointed town clerk of said township of Westampton, to hold their respective offices until their successors are elected and qualified in their stead, and any person acting as judge of election or town clerk shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township may be elected; *provided*, that in case of the absence or inability to serve of any of said persons appointed by this act, a majority of legal voters present may fill such vacancy.

Proviso.

Judges and clerk of election.

7. *And be it enacted*, That Samuel G. Parker, John A. Crane and Joseph Gardiner be and they are hereby appointed judges of election, to hold and preside over the first town meeting, and Caleb S. Clunn is hereby appointed town clerk of said township of Eastampton, to hold their respective offices until their successors are elected and qualified in their stead, and any person acting

as judge of election or town clerk shall be entitled to hold any office in said township to which they, by a majority of the legal voters of said township may be elected; *provided*, that in case of the absence or inability Proviso. to serve of any of said persons appointed by this act, a majority of legal voters present may fill such vacancy.

8. *And be it enacted*, That the inhabitants of the township of Westampton and Eastampton shall vote by ballot Elections to be by ballot. at their first town meeting, and annually thereafter for the election of township officers according to the provisions and restrictions of an act entitled "An act to authorize the inhabitants of the several townships of the state to vote by ballot at their town meeting," approved March twenty-second, one thousand eight hundred and sixty, and the supplements thereto, shall apply to the townships of Westampton and Eastampton.

9. *And be it enacted*, That the town committees of the townships of Westampton and Eastampton shall meet on the Monday next after the annual town meetings in the said townships of Westampton and Eastampton, at Rancocas Hall, in the village of Rancocas, in the township of Westampton aforesaid, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment; and the inhabitants of the township of Westampton and the inhabitants of the township of Eastampton shall be liable and required to pay their just proportions of the debts respectively, if any there be, and shall receive their just proportion of all property, if any there be; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the division of a majority of those present shall be final and conclusive. Town committees to meet and allot and divide properties and moneys, &c.

10. *And be it enacted*, That nothing in this act shall be so construed to impair or in anywise affect the rights of each of the said townships of Westampton and Eastampton in and to their just and legal portion of the The right to surplus revenue not to be impaired or affected.

surplus revenue of the general government, and the interest due or becoming due thereon.

Assembly district.

11. *And be it enacted*, That the townships of Westampton and Eastampton shall form part a of the third assembly district of the county of Burlington.

12. *And be it enacted*, That this act shall take effect immediately.

Passed February 11, 1880.

CHAPTER XVIII.

An Act to divide the township of Cinnaminson, in the county of Burlington, into two townships.

Preamble.

WHEREAS, The inhabitants of the township of Cinnaminson, in the county of Burlington, have become so numerous that it is impracticable for them to meet and transact the township business, at their annual and other town meetings, with convenience and good order, in one assembly, for remedy whereof;

Township divided.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That the township of Cinnaminson, in the county of Burlington, shall be and the same is hereby divided into two townships, in the following manner, that is to say; all that part of said township west of a line running from Charles Haines' flood-gates by the Delaware river, in a southeasterly direction (parallel with the public road leading by Taylor's station, on the Camden and Amboy railroad to New Albany), in a straight line to the northern boundary line of the township of Chester, shall constitute and be known as the township of Cinnaminson; all that part lying east of the said line shall constitute and be known as the township of Delran.

Boundaries of Cinnaminson township.

Delran township.

Corporate name.

2. *And be it enacted*, That the inhabitants of the township of Cinnaminson are a body politic and corporate in law, and shall be styled and known by the name of

"The inhabitants of the township of Cinnaminson, in the county of Burlington," and shall be entitled to all rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Burlington are or may be entitled or subjected to by existing laws of this state.

3. *And be it enacted*, That the inhabitants of the township of Delran are constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Delran, in the county of Burlington," and shall be entitled to all the rights, powers, authority, privileges and advantages and subject to the same regulations, government and liabilities, as the inhabitants of the other townships in said county of Burlington are or may be entitled or subjected to by existing laws of this state. Corporate name.

4. *And be it enacted*, That the inhabitants of the township of Cinnaminson shall hold their next annual town meeting at Harris' Hall, in the village of Westfield, in said township, on the second Tuesday of March next. Next town meeting when and where held.

5. *And be it enacted*, That the inhabitants of the township of Delran shall hold their first town meeting at the town house in said township on the second Tuesday of March next. Town meeting where and when held.

6. *And be it enacted*, That the town committees of the townships of Cinnaminson and Delran shall meet on the Monday next after the annual town meetings in the said townships of Cinnaminson and Delran, at the town house in the township of Delran, aforesaid, at ten o'clock in the forenoon, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment; and the inhabitants of the township of Cinnaminson and the inhabitants of the township of Delran, shall be liable and required to pay their just proportion of the debts, respectively, if any there be, and receive their just proportion of all property, if any there be; and if any of the persons comprising either of the township committees Town committees to meet, allot and divide properties and money.

should neglect or refuse to meet as aforesaid, those assembled may proceed to make the division, and the division of a majority of those present shall be final and conclusive.

Right to surplus
revenue not to
be affected.

7. *And be it enacted*, That nothing in this act shall be so construed to impair, or in anywise affect the rights of the said township of Delran in and to its just and legal portion of the surplus revenue of the general government and to the interest due or becoming due thereon.

Assembly
district.

8. *And be it enacted*, That the township of Delran shall form part of the second assembly district of the county of Burlington, as heretofore, when included within the township of Cinnaminson.

9. *And be it enacted*, That this act shall take effect immediately.

Passed February 12, 1880.

CHAPTER XXIV.

An Act to prevent the sale of intoxicating liquors within one mile and a half of the Island Heights Camp Meeting Ground, in Ocean county, New Jersey.

Unlawful to sell
liquors, &c.,
within certain
limits.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to sell, vend or barter spirituous liquors, wine, ale, beer or any intoxicating liquors of any kind whatever, within one mile and a half from Island Heights Camp Meeting Ground, in Ocean county, state of New Jersey, except for medicinal purposes, at regular drug stores and under the prescriptions of regularly practicing physicians; any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor and fined fifty dollars and costs for each offence, said fine to be paid to the overseers of the poor for the support of the poor of the county.

Penalty for vio-
lation of this act.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 17, 1880.

CHAPTER XXXIII.

A Supplement to "An act to provide for establishing and marking the boundary line between the counties of Passaic and Bergen," approved April fourth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners appointed under the act to which this is a supplement, and who have ascertained and established a portion of the boundary line between the counties of Bergen and Passaic, shall proceed without unnecessary delay to establish and mark the remainder of such boundary line, and within four months after the taking effect of this act shall complete such work, and file in the office of the secretary of state the survey required to be made and filed by the act to which this is a supplement.

Commissioners to establish and mark remainder of boundary line and file survey.

2. *And be it enacted*, That in taxing and allowing the expenses of such survey and the compensation of the commissioners and their employees and agents, as provided in the act to which this is a supplement, the justice of the supreme court holding the circuit in Bergen and Passaic counties, or in his absence the president judges of the courts of common pleas of said counties, may tax and allow not exceeding eight hundred dollars for such expenses and compensation, which sum shall include every expense heretofore and hereafter incurred by said commissioners in the necessary performance of their duties under this act and the act to which it is a supplement; which costs and expenses having been taxed as aforesaid shall be equally paid by the said counties to an amount not exceeding the said sum; but no moneys

Amount of expenses and compensation of commissioners, &c., by whom taxed.

Costs and expenses by whom paid.

shall be paid by the collector of either of said counties for said purpose until the said work shall have been wholly completed and the costs taxed as aforesaid.

Repealer.

3. *And be it enacted*, That so much of the act to which this is a supplement as is inconsistent herewith be and the same is hereby repealed, and this act shall take effect immediately.

Approved February 19, 1880.

CHAPTER XLIII.

An Act to change the name of the village of Bricksburg.

Name changed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the village of Bricksburg, in the township of Brick, county of Ocean, and state of New Jersey, be changed to "Lakewood," and by said name of Lakewood be hereafter known and called.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved February 25, 1880.

CHAPTER CIX.

An Act to set off a part of the township of Mullica to the township of Galloway, and a part of the township of Galloway to the township of Mullica, in the county of Atlantic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Mullica, in the county of Atlantic, lying and being southeasterly from the city of Egg Harbor City, in said county, be and the same is hereby set off from the said township of Mullica, and annexed to and made a part of the township of Galloway, in said county, and all that part of said township of Galloway, lying and being northwesterly of the northwesterly line of said Egg Harbor City, be and the same is hereby set off from said township of Galloway, and annexed to and made a part of the said township of Mullica.

Part of Mullica township annexed to Galloway township.

Part of Galloway township annexed to Mullica township.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 10, 1880.

CHAPTER CL.

A Supplement to an act entitled "An act to set off a portion of Maurice River township, in the county of Cumberland, into the Upper township, county of Cape May, and change the boundaries between said counties.

WHEREAS, A portion of the territory of the township of Maurice River, in the county of Cumberland, was ceded to the Upper township, in the county of Cape May, upon the condition expressed in the act itself, that the said Upper township should assume a proportion of the bonded indebtedness of the township of Maurice River, from which the said territory was taken; *and whereas*, the fourth section of the act to which this is a supplement, which was intended to provide for the proper apportionment of said indebtedness, failed to designate, among other things, how the same should be paid, and has proved to be insufficient for the purpose intended; therefore, to remedy said defect,

Preamble.

Names of commissioners.

Commissioners to determine portion of bonded indebtedness to be paid.

Commissioners to certify amount of bonded indebtedness.

Town committee authorized to issue bonds.

Amount of bonds to be levied and assessed on portion of township.

How collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Jonathan W. Hoffman, of the township of Maurice River, in the county of Cumberland, Samuel B. Jarman, of the Upper township, in the county of Cape May, and Smith Reeves, of the city of Millville, in the county of Cumberland, be and the same are hereby appointed commissioners, whose duty it shall be to determine, on or before the tenth day of April, one thousand eight hundred and eighty, what portion of the bonded indebtedness of Maurice River township existing on the twenty-sixth day of March, one thousand eight hundred and seventy-eight, the date of the passage of the act to which this is a supplement, shall be paid by that portion of said Maurice River township set off into the Upper township, in the county of Cape May.

2. *And be it enacted*, That when the said commissioners, or a majority of them, have decided what amount of said bonded debt shall be paid by that portion of Maurice River township ceded to Upper township, county of Cape May, they shall immediately certify the said amount in writing to the township committee of Upper township, county of Cape May, and thereupon the said township committee are hereby authorized and required to execute, on or before the first day of May, one thousand eight hundred and eighty, bonds in the name of said Upper township to the said township of Maurice River, in the county of Cumberland, for the amount of money which the said commissioners shall determine and certify to be paid as aforesaid, said bonds to be due and payable in one, two, three and four years, being in equal annual payments.

3. *And be it enacted*, That the amounts of said bonds shall be added and levied and assessed in that portion of said Maurice River township set off into the Upper township, in the county of Cape May, each and every year as aforesaid until this proportion shall have been paid, and the assessor of said Upper township is hereby authorized and required to assess the amount necessary to pay said bonds at the same time that the assessment for other taxes is made, and the collector of said township is hereby authorized and required to collect the same and pay the bonds given by said Upper township

aforesaid to the township committee of Maurice River township, at the several times the same are made payable.

4. *And be it enacted*, That the commissioners appointed by this act shall have full power and are hereby authorized to call on and receive from the officers of Maurice River township, all books and papers relating to said bonded indebtedness. Commissioners to receive books and papers, &c.

5. *And be it enacted*, That the township of Maurice River, in the county of Cumberland, and the portion of said Maurice River township set off into Upper township, in the county of Cape May, shall pay their proportional part of the expenses that have been, or may hereafter be incurred in the settlement between said townships, at such rates per diem as the respective township committees receive for their services, including their necessary traveling expenses, and so forth. Expenses of settlement, &c., by whom paid.

6. *And be it enacted*, That all acts and parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved March 11, 1880.

CHAPTER CCXXIV.

An Act to facilitate judicial proceedings in the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court in and for the county of Hunterdon, shall hereafter consist of one law judge, and two lay judges in addition to the justice of the supreme court, holding the circuit for said county, and said law judge shall be a counsellor at law of this state, of at least five years standing, and shall be known as the president One of the judges to be a counsellor at law.

- judge of said courts, and shall hold office for the term of five years, and shall be appointed in the same manner as justices of the supreme court are now appointed; *provided*, that the present number of lay judges may be continued until the number is reduced to two by expiration of term of office or other vacancy as to one of the number.
- Proviso. 2. *And be it enacted*, That whenever the justice of the supreme court holding the circuit court for said county shall be absent, such law judge provided for by this act shall be president judge of said courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court of said county.
- Presiding judge. 3. *And be it enacted*, That the courts of common pleas, general quarter sessions of the peace, and orphans' court in and for said county of Hunterdon, may hold adjourned and special terms of said courts, or either of them, under the regulations already provided by statute in case of the circuit court and court of oyer and terminer and general jail delivery.
- Courts may hold special terms. 4. *And be it enacted*, That indictments for all crimes within the jurisdiction of the court of general quarter sessions of the peace shall be handed down by the court of oyer and terminer and general jail delivery into and tried in the said court of general quarter sessions of the peace, whenever the said court of oyer and terminer and general jail delivery shall deem it necessary or proper in order to expedite the business of said court, and to deliver the jail.
- Indictments and crimes tried there when deemed necessary. 5. *And be it enacted*, That whenever any person shall be charged upon oath before any justice of the peace, or police justice or any other officer authorized to hear said charge in the county of Hunterdon, with any offence now triable by law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately; it shall be the duty of said prosecutor, unless he or the presiding judge of the court of common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the president judge of the said court
- Persons charged with offence may waive indictment and trial by jury.

of common pleas, for the immediate trial of said person, and said president judge shall thereupon call a court of special quarter sessions, to be composed of himself and at least one other judge of said court, to meet at the court house in said county, which court is hereby empowered and required to try such persons with all due speed, having due regard to the circumstances of the case, the public interest, and the possibility of obtaining necessary witnesses, and to determine the guilt or innocence of the person charged; if such person be acquitted by said court he or she shall be forthwith discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in case such person had been duly indicted and convicted, and it shall be the duty of said prosecutor (in person or by deputy), to attend upon said trial, prefer to said court an allegation, in writing, alleging the time, place and nature of the offence with which such person is charged, and to which such person shall forthwith plead, and the proceedings for bringing such person for trial before said court, the accusation, place, trial and sentence shall be in conformity with law, and the practice heretofore, except the same are altered by this act, and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings and indictments found in courts of oyer and terminer and general jail delivery of said county are now taxed and paid.

6. *And be it enacted*, That the clerk of the said county of Hunterdon shall be clerk of the court hereby provided for, and shall issue all process, whether of capias, subpoena or execution, which shall be required in carrying out the provisions of this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore; and said sheriff shall be the officer of said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court, and in all things pertaining to the office, as heretofore.

County clerk and
sheriff to be
officers of court.

Persons charged
with larceny to be
tried before said
court.

7. *And be it enacted*, That hereafter no person charged with larceny in said county of Hunterdon shall be tried otherwise than before said court of special quarter sessions hereby provided for, or on regular indictment according to the usual course of proceedings at law.

Compensation of
law judge.

8. *And be it enacted*, That the law judge provided for by this act shall receive a salary of fifteen hundred dollars per annum, payable in quarterly payments by the collector of said county, but shall receive no other compensation whatever; *provided, nevertheless*, that he shall be at liberty to practice law otherwise than in the courts whereof he shall be judge.

Proviso.

9. *And be it enacted*, That in all matters within the jurisdiction of the said several courts relating to the practice and settlement of legal rules and questions, the said law judge shall, in the absence of the justice of the supreme court holding the circuit court for said county, have exclusive power and authority to determine such rules, questions and practice.

Repealer.

10. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act shall be and the same are hereby repealed.

11. *And be it enacted*, That this act shall take effect immediately.

Approved March 12, 1880.

PRIVATE LAWS.

PRIVATE LAWS

PASSED BY THE

ONE HUNDRED AND FOURTH LEGISLATURE.

CHAPTER V.

An Act for the relief of Walter F. Bartlett.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Walter F. Bartlett, of the county of Mercer, be and is hereby restored to all his former rights and privileges as a citizen of New Jersey. Rights and privileges restored.
2. *And be it enacted*, That this act shall take effect immediately.

Approved February 5, 1880.

CHAPTER XI.

An Act for the relief of Rudolph H. Puhlman.

Rights and privi-
leges restored.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Rudolph H. Puhlman, of the city of Jersey City, county of Hudson, be and he is hereby restored to all the rights of citizenship.

2. *And be it enacted*, That this act shall take effect immediately.

Approved February 10, 1880.

CHAPTER XCVI.

An Act to repeal a portion of an act entitled "A supplement to an act entitled 'An act to incorporate the Union and Middlesex Counties Mutual Agricultural Association,'" approved March twenty-seventh, anno domini one thousand eight hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section numbered one of said supplement, which reads as follows, viz :

Section repealed
recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of directors of the said association shall have power to assess upon each member a sum not exceeding twenty-five dollars per annum, upon each share of stock owned by him ; and if any assessments shall not be paid at such time as the board of directors may direct, the privileges of membership of the non-paying members, and the right of trans-

ferring their stock, shall be suspended until such assessments shall be paid ; and if any assessment or assessments shall not be paid within six months after such assessment or assessments shall become due, then the share or shares of stock upon which said assessment shall remain due and unpaid may be forfeited by the board of directors, and sold at public auction for the benefit of the association ; and any excess of net proceeds arising from said sale shall be paid to such person, his heirs or assigns, on whose account the share has been sold ; *provided*, that at least sixty days' notice shall be given of an assessment being payable, and at least sixty days' notice to the non-paying member, his heirs or assigns, before any sale shall be made under a forfeiture ; and the said board of directors shall also have the power to make such further assessments upon the shares of stock of said association as may be necessary to pay and discharge the present indebtedness of the association, subject to the same conditions and penalties as are above expressed in relation to the annual assessment of members," be and the same is hereby repealed.

2. *And be it enacted*, That this act shall be deemed and taken to be a public act, and that it shall take effect immediately.

Approved March 4, 1886

CHAPTER XCVII.

An Act to authorize the trustees of the Methodist Episcopal Church of Port Republic to sell and convey certain real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal Church of Port Republic, (in the county of Atlantic), be and they are hereby authorized to sell and convey all the real estate conveyed to said trustees Trustees authorized to sell and convey real estate.

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or church by Ebenezer Adams, by deed dated the thirtieth day of December, anno domini one thousand eight hundred and seventy-eight, and of record in the clerk's office of Atlantic county, at May's Landing, New Jersey, in liber seventy-two of deeds, folio two hundred and eighty-nine, et cetera, and that the deed or deeds of conveyance made by said trustees in pursuance of the authority given by this act, shall be valid and effectual in law and vest in the grantees therein named, a good and indefeasible title in fee simple to the real estate therein described.

2. *And be it enacted*, That this act shall take effect immediately.

Approved March 4, 1880.

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